



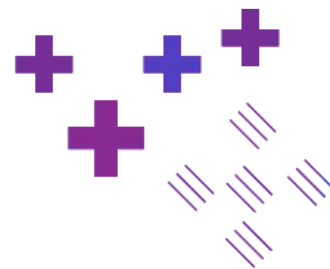
The Leadership Conference
Education Fund



Data for Equity: A Review of Federal Agency Equity Action Plans

April 2023

Acknowledgements



Data for Equity: A Review of Federal Agency Equity Action Plans is a project of The Leadership Conference Education Fund.

The Education Fund was founded in 1969 as the education and research arm of The Leadership Conference on Civil and Human Rights, the nation’s oldest and largest civil and human rights coalition of more than 230 national organizations. For more than five decades, The Education Fund has served as a force multiplier and has amplified the call for a just, inclusive, and fair democracy.

We would like to thank Jenny Hunter, who was the principal author of the report, and Terri Ann Lowenthal for guidance and expertise. We are also grateful to The Education Fund’s staff, including Meeta Anand, Nadia Aziz, Anita Banerji, Liz King, Jesselyn McCurdy, and Patrick McNeil. Overall supervision was provided by Scott Simpson and Corrine Yu. The report was designed by Celeste Jacobs.

Support for this work was provided by the Robert Wood Johnson Foundation. The views expressed here do not necessarily reflect the views of the Foundation.

Data for Equity: A Review of Federal Agency Equity Action Plans is the fourth in a series of reports from The Education Fund about civil rights data collection. “Data for Equity” builds on those earlier reports by making eight recommendations about how federal agencies can improve the collection, analysis, and sharing of data.

In response to a first-day executive order from President Biden, more than 90 federal agencies released Agency Equity Action Plans that identify each agency’s priority actions to advance equity going forward. “Data for Equity” is grounded in a review of 45 of these action plans — identifying common themes and making recommendations that summarize some of the most pressing data needs that exist across the government. We hope this report and its recommendations will assist agencies in making progress towards a more equitable future.

The author and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.

Table of Contents

4	Executive summary
10	Introduction
11	I. Improve collection of data on key topics across agencies
18	II. Assist agencies in expanding the collection of data necessary to assess equity
29	III. Collect more disaggregated data, including on MENA, AANHPI, and SOGI categories
34	IV. Consider language and disability access in all data collections and study ways to improve response rates
37	V. Give agencies resources to conduct equity assessments
42	VI. Cost-benefit analyses must be reformed to account for concerns about equity and justice
45	VII. Ensure big data and algorithms do not entrench inequity
47	VIII. Agencies should increase data accessibility by building more user-friendly tools
49	Conclusion
50	Endnotes

Executive Summary

On President Biden's first day in office, he issued Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."¹ This order acknowledged that systemic racism and other entrenched disparities in the laws, policies, and institutions of the United States have denied equal opportunity to many. It announced a "whole-of-government equity agenda" to counter this inheritance and to advance equity for all.

In response to EO 13985, more than 90 federal agencies conducted equity assessments. In April 2022, these agencies released Agency Equity Action Plans (Action Plans), which summarize their early progress in improving equity and identify each agency's three to five top priority actions to advance equity going forward.

On February 16, 2023, President Biden built on his first-day EO 13985 by announcing his "Executive Order On Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government."² This new order recognizes the need to continue the work begun with the first-day order by, among other things, ensuring that agencies release Action Plans annually and promoting data collection and transparency as a central ongoing focus of the government's equity work.

This report, the fourth in our series of reports on civil rights data collection,³ is grounded in a

review of 45 of the Action Plans released in response to the first-day executive order.⁴

A common thread throughout the Action Plans is that many agencies lack the data necessary to assess the "baseline" of how equitable the nation and their own programs are currently, and to evaluate whether their efforts to improve equity are successful going forward. It is not possible to know whether equity is improving, either in a specific program or in society in general, without data. The overarching theme of needing more data to analyze equity echoes The Education Fund's call in its April 2022 report — "Information Nation: The Need for Improved Federal Civil Rights Data Collection" — to expand the scope of federal civil rights data collection.⁵

The Action Plans reveal other common problems across agencies as well, including inadequately disaggregated data, the need to improve response rates, and a lack of capacity and "trees-instead-of-forest" approach to conducting equity assessments. Although some agencies have plans to address these issues, some do not.

Thus, a repeated theme in this report is that the Office of Management and Budget (OMB) and the National Science and Technology Counsel's (NSTC) Subcommittee on Equitable Data, which has taken over implementation of the recommendations of the now-sunsetted Equitable Data Working Group,⁶ should offer technical assistance, connect agencies with experts in other parts of the government, and

share knowledge and best practices on these topics. OMB and the Subcommittee on Equitable Data also have important roles to play in pushing agencies to address problems that they have not yet identified or made plans to solve. The new White House Steering Committee on Equity, whose formation President Biden announced in his February 16, 2023 executive order on further advancing racial equity, should also have a key role to play in these coordinating efforts.

Indeed, that executive order announced several steps to increase coordination and leadership on equity work that are in harmony with this report's recommendations. In addition to announcing the creation of the White House Steering Committee on Equity to coordinate government-wide efforts to advance equity, it declared that OMB will support implementation of agencies' annual Action Plans and that the Subcommittee on Equitable Data will play a coordinating role in implementing the Equitable Data Working Group's recommendations.⁷

This report makes eight recommendations about how civil rights data collection can be improved based on common themes that arose in many Action Plans and agency-specific issues discussed in individual Action Plans. Several of these align with the recommendations in the Equitable Data Working Group's final report. These recommendations are:

I. Improve data collection on key topics across agencies

This report's first recommendation focuses on three particularly vital areas in which there is a need for enhanced data: hate crimes,

environmental justice, and federal procurement and contracting.

Collection of data on hate crimes is, as The Education Fund's "Information Nation" report highlighted, utterly inadequate. The Department of Justice's (DOJ) Action Plan identifies combatting hate crimes as among its top priorities — however, in order to accomplish this goal, DOJ needs a comprehensive plan to improve data on hate crimes.

Climate change is an existential threat for every nation, but its harms fall disproportionately on communities of color and other disadvantaged communities. An important part of the Biden administration's climate justice policies is the Justice40 Initiative — the goal that 40 percent of federal investments in climate and other areas will benefit disadvantaged communities. The Climate and Economic Justice Screening Tool (CEJST) is intended to allow agencies and the public to identify disadvantaged communities and determine if the Justice40 goals are being met. However, CEJST currently does not

“DOJ needs a comprehensive plan to improve data on hate crimes.”

include data on demographic characteristics of communities, including race/ethnicity, segregation level, disability, religion, immigration, or sexual orientation and gender identity (SOGI). It should be updated to include that crucial information.

Multiple Action Plans revealed the need for more complete data on federal procurement and contracting. The Biden administration has made increasing equity in procurement a key priority.⁸ OMB can assist in this effort by providing guidance on how agencies track contracts with businesses owned by members of certain underserved communities and by coordinating across agencies on data relating to equity in contracting.

II. Assist agencies in expanding the collection of data necessary to assess equity

Numerous Action Plans reveal specific additional areas in which agencies lack the data necessary to assess equity in society and in the agency's own programs. This report's second recommendation is that these agencies correct these deficiencies and that OMB, a White House office that oversees implementation of the president's agenda throughout the executive branch, assist them in doing so.

OMB can play an important role in following up with agencies that already have plans to address data gaps to ensure they implement those plans. Other agencies acknowledge that they lack sufficient data to assess equity, but do not seem to have any plans to rectify those deficiencies. Some believe that they are not permitted to directly collect certain data or

express uncertainty about what data they are allowed to collect. Yet others fail to note their lack of data as a problem at all. In these cases, OMB should encourage agencies to improve their data collections, provide guidance on legal restrictions, and coordinate the sharing of data, statistical tools, and lessons learned across agencies, including the federal statistical agencies.

The proposal that OMB facilitate the sharing of data and statistical tools across agencies is similar to one of the Equitable Data Working Group's key suggestions: "Catalyze existing federal infrastructure to leverage underused data." As the working group noted, when agencies do not have demographic data on the people they serve or the programs they are responsible for, they can often work with one of the 13 federal statistical agencies that can help them enter into data-sharing agreements and generate disaggregated estimates in a way that protects privacy and confidentiality.⁹

This section of the report contains discussions of data gaps in numerous agencies, from the Department of Education's plan to begin collecting demographic data through the Free Application for Student Financial Aid (FAFSA) to the Social Security Administration's need for a strategy to work around its lack of racial and ethnic data on people with Social Security numbers.

III. Collect more disaggregated data, including on MENA, AANHPI, and SOGI

This report's third recommendation is that agencies should collect more disaggregated data. This echoes one of the key principles of the Equitable Data Working Group report — that disaggregated data should be the “norm.”¹⁰ Disaggregation has also been a high priority for The Leadership Conference Education Fund and other civil rights organizations, advocates, and researchers for decades.

One long-overdue reform to ensure that data about race and ethnicity are meaningfully disaggregated is to update OMB's Statistical Policy Directive Number 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (standards). The racial and ethnic categories

used in the standards fail to reflect the identities of many people, including those of Middle Eastern and North African (MENA) heritage, subgroups of Asian Americans and Native Hawaiian and Pacific Islanders (AANHPI), and people of Hispanic or Latino heritage. The process of updating these standards is advancing with OMB's Federal Register Notice published on January 27, 2023 of its “Initial Proposals for Updating OMB's Race and Ethnicity Statistical Standards.” A successful update will ensure that federal data reflect rather than hide these people and communities, and also reveal rather than conceal inequities in opportunities and outcomes.

Agencies can and should collect more disaggregated data on race, ethnicity, gender, and other identities even without changes to the OMB standards. For instance, the Equal Employment Opportunity Commission plans to increase disaggregation of race/ethnicity and gender data, and the Social Security Administration needs a plan to expand beyond binary M/F gender designations. OMB and the NSTC Subcommittee on Equitable Data can assist by following up with agencies to ensure they implement plans to increase disaggregation or create plans if they do not yet exist. President Biden's February 16, 2023 executive order on further advancing racial equity recognizes that the subcommittee can play this type of role when it assigns the subcommittee the responsibility to coordinate the advancement of equitable data policies, including the implementation of the Equitable Data Working Group's recommendations.¹¹

“Agencies can and should collect more disaggregated data on race, ethnicity, gender, and other identities even without changes to the OMB standards.”

IV. Consider language and disability access in all data collections and study ways to improve response rates

Data collections only accurately reflect the world they are seeking to measure if people are able to understand and respond in a language and manner they understand — and if response rates are high enough to make results statistically valid.

The report's fourth recommendation is that all agencies, especially those that conduct data collection, should have language and disability access plans to ensure that data collection instruments are available in respondents' preferred languages and are accessible to people with a range of disabilities. The Education Fund made additional recommendations about disability access plans in our 2022 report "Information Nation."¹²

Several Action Plans, including those of the Office of Personnel Management (OPM), the National Science Foundation, and the Department of Labor, discuss plans to improve response rates or to study ways to do so. The lessons learned from these efforts should be shared across agencies.

V. Give agencies resources to conduct equity assessments

This report's fifth recommendation is that OMB and federal statistical agencies should provide help and resources to agencies to conduct equity assessments. This echoes a priority of the Equitable Data Working Group: To increase agency capacity to conduct equity assessments.¹³ Many agencies, including large

departments like the Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA), identified a need for more capacity, knowledge, or resources to perform equity assessments.

Additionally, several agencies' discussions of equity assessments reveal a short-sighted focus on measuring equity within their own operations, rather than in those aspects of society that their programs are aimed at improving. OMB and the federal statistical agencies should encourage agencies to use their equity assessments to examine the big picture.

VI. Cost-benefit analysis must be reformed to account for concerns about equity and justice

The report's sixth recommendation is that cost-benefit analyses across the government, including versions that are built into government programs, should be reformed so that they do not ignore or exacerbate inequities. A few Action Plans, including that of the Environmental Protection Agency, discuss the need to reform cost-benefit analysis methods to account for these concerns.

This recommendation is related to one that The Education Fund discussed in the "Information Nation" report — that the cost-benefit analyses that are required to accompany significant proposed regulations should be changed so they advance equity rather than hampering it.¹⁴

OMB could play an important role in providing education and best practices in this area.

VII. Ensure big data and algorithms do not entrench inequity

Two agencies, the Department of Defense and the Consumer Financial Protection Bureau, discussed in their Action Plans the need to ensure that artificial intelligence, algorithms, and machine learning are not used in ways that exacerbate inequity.

Because technology and its effects are relevant across the government and society, the report's seventh recommendation is that OMB coordinate efforts to ensure that big data and algorithms do not entrench inequity. This is similar to themes highlighted in the White House's Blueprint for an AI Bill of Rights.¹⁵

Additionally, any work done to ensure that algorithms do not perpetuate inequity is essential for all government agencies. All of DOJ and DHS should be included, and data for equity requirements should extend to all law enforcement agencies broadly construed, including Customs and Border Patrol.

VIII. Agencies should increase data accessibility by building more user-friendly tools

The report's eighth and final recommendation is that agencies make data more accessible to the public and to researchers by building more user-friendly tools. Several Action Plans discussed plans to do this. This recommendation also proposes that OMB could help in this area by coordinating and disseminating best practices across agencies.

Introduction

The Biden administration has demonstrated a strong and consistent commitment to advancing equity. The executive order President Biden issued on the first day of his term, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” was a pledge to reckon with the United States’ history of racism and inequality. As the executive order recognized, those inequities have been created and cemented in part through our laws, public policies, and government institutions.¹⁶

One of the results of that first-day commitment was that in April 2022, each of more than 90 federal agencies released Equity Action Plans. These plans set forth specific strategies and goals to improve equity and advance racial justice in the agencies’ programs and operations. Because they spanned the entirety of the federal government, these action plans discussed a huge variety of different programs and initiatives and represented a diverse set of approaches to the project of improving equity.

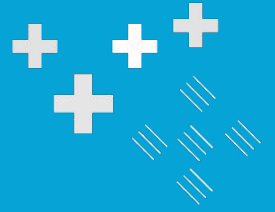
The task of advancing equity is impossible without complete, accurate, and disaggregated data. Without data, it is impossible to understand the dimensions of historical and current inequities and to measure whether government programs are improving or perpetuating those inequities. For example, the Department of Education currently does not collect demographic data on students and families who fill out the Free Application for Federal Student Aid (FAFSA). As a result, it suspects — but does not have data to confirm — that students of color are

less likely to complete the FAFSA and more likely to undergo secondary verification than White students. Another agency, the National Labor Relations Board, does not currently collect demographic data from the people or organizations it serves, and thus it is unable to determine if it is disproportionately serving or failing to reach any particular community. Yet another agency, the U.S. Department of Housing and Urban Development, does not have data to determine whether compounding discrimination against LGBTQ+ households of color impacts those households’ rates of homeownership and wealth accrual.

This report is based on a review of 45 Action Plans, specifically on their discussion (or lack of discussion) of data. Many agencies acknowledged the importance of improving their data collection, disaggregation, analysis, and transparency, and many Action Plans set forth steps to achieve those improvements. Other Action Plans acknowledged or revealed a need for more or better data, but they did not contain plans to address those needs.

This report makes eight recommendations focused on improving data collection, disaggregation, and analysis. Because many needs are common across agencies, several of the recommendations propose that OMB should play the role of coordinating, offering assistance to, and encouraging agencies to create plans to address gaps in their data collection and analysis.

The overall goal of this report’s recommendations is to identify ways that agencies, and the federal government generally, can align data practices with the ambitious and vital goal of advancing equity and racial justice throughout the government and the nation.



I. Improve collection of data on key topics across agencies

The Action Plans revealed a large number of areas in which agencies lack important data. This first recommendation highlights three particularly key areas in which data gaps must be corrected: hate crimes, environmental justice, and federal procurement and contracting.

A. Improve collection of data on hate crimes

Current hate crimes data collection is woefully inadequate and needs to improve. As The Education Fund highlighted in the April 2022 report “Information Nation: The Need for Improved Federal Civil Rights Data Collection,” hate crimes — which are motivated by bias based on race, color, national origin, gender, gender identity, sexual orientation, religion, or disability — have an impact far beyond the person or people directly targeted. They ravage entire communities and affect other individuals and communities across the country who share the same targeted identity. Federal hate crimes data are currently, notoriously, and dramatically undercounting the actual number of hate crimes, in part because local law enforcement agencies are not required to report hate crimes to the FBI.¹⁷ The failure to track hate crimes sends a devastating message to affected communities, namely that the police and the government more broadly do not take hate crimes seriously. This failure to act undermines communities’ trust in law enforcement and government more broadly.

The Action Plan of the Department of Justice (DOJ) identifies combatting hate crimes as among its top priorities.¹⁸ Unfortunately, its Action Plan does not mention the need for improved data on hate crimes, though DOJ has identified improving hate crime data as a

priority in other publications¹⁹ and in DOJ officials’ remarks to local elected leaders.²⁰

In order to accomplish the goal of fighting hate crimes, DOJ needs more complete and reliable data about the frequency, nature, and location of these occurrences so it can appropriately target its efforts and determine whether those actions are reducing the incidence of hate crimes.

DOJ’s Action Plan does identify “combatting hate crimes” as among its “early accomplishments” towards advancing equity. Specifically, the accomplishments it cites include assigning a deputy associate attorney general as anti-hate coordinator; the award of more than \$21 million to investigate and prosecute hate crimes and assist hate crime victims; and the FBI’s identification of criminal civil rights violations, which includes hate crimes, as one of its highest level national threat priorities.²¹

These accomplishments are positive. But in order to combat hate crimes effectively, DOJ needs to develop and implement a comprehensive plan to improve data on hate crimes.

B. Include demographic data in the Environmental Justice: Justice40 & the Climate and Economic Justice Screening Tool

Climate change threatens every nation on Earth, but its harms fall disproportionately on communities of color and other disadvantaged communities. Numerous U.S. federal agencies are involved in some way in the battle to combat climate change and increase climate resiliency.

“Climate change threatens every nation on Earth, but its harms fall disproportionately on communities of color and other disadvantaged communities.”

An important part of the Biden administration’s climate justice policies, as set forth in a January 2021 executive order, is the establishment of the Justice40 Initiative.²² Justice40 sets a goal that 40 percent of certain federal investments will benefit disadvantaged communities.²³ Numerous Action Plans refer to Justice40 and agencies’ commitments to implementing this initiative.

The Action Plans’ discussions of this work highlighted the need for the Climate and Economic Justice Screening Tool (CEJST) to include demographic data. The CEJST is a key part of Justice40 and is intended to allow agencies and the public to identify “disadvantaged communities” in order to measure whether the Justice40 goals are being met.²⁴ However, the current version of CEJST is lacking because it does not include data on the demographic characteristics of communities; it contains no information about race/ethnicity, segregation level, disability, religion, immigration, or SOGI.²⁵

As background, the White House Council on Environmental Quality published a beta version of the CEJST in February 2022. The council solicited feedback from the public and intends to update and finalize the tool in light of that feedback. The CEJST is a map of the United States that allows users to search or zoom to the census tract level. It identifies census tracts as “disadvantaged” if they are both (1) above a threshold for one or more environmental or climate indicators and (2) above a threshold for socioeconomic indicators.

The environmental and climate indicators used in the tool are measures of climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, reduction and remediation of legacy pollution, clean water and wastewater infrastructure, health burdens, and training and workforce development. The socioeconomic indicators in the tool are only about income and education, namely whether a community is at or above the 65th percentile for low income and 80 percent or more of individuals age 15 or older are not enrolled in higher education.²⁶

It is crucial that additional demographic information about communities, such as race/ethnicity, disability, religion, and other demographic information, be included in the socioeconomic indicators in the tool. This will ensure that communities with high concentrations of people of color, or people with disabilities who are also above a certain indicator for environmental and climate indicators, would be considered disadvantaged. At the very least, demographic information should be available as separate filters on the CEJST so that users can see the overlap between the communities that are

disadvantaged as currently defined and those with higher percentages of people from historically underserved or marginalized communities.

Some of the comments to the Council on Environmental Quality about the CEJST recommend that race be added as an indicator. As the Public Health Alliance of Southern California said in its comments, “Race is the most significant predictor of pollution burden. Explicitly including race in CEJST and recognizing it as an explicit barrier is the only way to realize transformative change and ensure historically underserved communities of color get the funding they need. Transformative change cannot be realized if CEJST shies away from using race for fear of legal counteraction. While CEJST uses linguistic isolation as a proxy indicator for race/ethnicity, it does not fully capture race/ethnicity.”²⁷

Several Action Plans include examples of the need for Justice40 and a tool like the CEJST, even if they do not always mention them.

1. Department of Defense (DoD) analysis of communities impacted by WWII and Cold War military activity

The DoD’s Action Plan discusses the agency’s plans to evaluate which communities on Guam and near Native American and Alaska Native lands have been impacted by the temporary bases and bombing ranges the department built there during WWII and the Cold War. These military activities often left behind harmful by-products, including hazardous materials, asbestos, lead, and explosives residue. DoD’s plan is to evaluate which communities are experiencing negative effects

due to proximity to DoD sites; to conduct environmental restoration; and to invest in infrastructure, public recreation, and wildlife restoration projects in underserved communities around military bases and installations, including in Guam.²⁸

The DoD’s Action Plan doesn’t mention Justice40 or if the agency will track whether the communities it will invest in are underserved. The program seems to be a good candidate for this analysis. The communities impacted are *likely* underserved or historically marginalized, but Justice40 and the CEJST tool could provide a way to assess those conditions and make sure, for instance, that the investments in affected communities do not flow to wealthier or less disadvantaged areas at the expense of more disadvantaged areas.

2. Department of Transportation’s (DOT) “Transportation cost burden measure”

Many DOT programs are included in the Justice40 initiative. The agency is piloting a “transportation cost burden measure,” in part to help achieve Justice40’s goals. The measure will use existing data sources in 2023; by 2027, DOT plans to enhance the measure with new data as part of a “transportation disadvantage index.” The new data collection will focus on cost, travel time, trips not taken, accessibility, and access to key resources by demographic group. The goal is to assess transportation burden by community: how much time and money people spend taking necessary trips to work, grocery stores, school, or to access health care; how many trips are not taken due to transportation; accessibility; and who lives in areas with neglected transportation infrastructure. DOT

will also develop a Complete National Transit Map with data on transit access, system quality, and performance.²⁹

While this tool will not be identical to the CEJST, it could be modeled on and borrow elements of the CEJST.

C. Improve data on equity in procurement and contracting

Another key area in which multiple Action Plans reveal the need for better and more complete data is that of federal procurement and contracting. The federal government is the “largest consumer of goods and services in the world, spending roughly \$600 billion each year.”³⁰ The Biden administration has made increasing equity in federal procurement a key priority. In a speech commemorating the centennial of the Tulsa Race Massacre, President Biden set a goal of increasing the share of federal procurement contracts that go to small disadvantaged businesses (SDBs) to 15 percent by 2025. He also directed agencies to consider ways to increase opportunities for small businesses and traditionally underserved business owners to compete for federal contracts.³¹ Executive Order 13985 also directs agencies to remove barriers to federal contracting and procurement opportunities for underserved people and communities, and the recent second executive order on advancing racial equity emphasizes the importance of advancing equitable procurement and assigns the Small Business Administration (SBA) to work with each agency to establish annual agency-specific procurement goals.³² In July 2022, the White House announced that the SBA Small Business Procurement Scorecard for Fiscal Year 2021 showed a record 11 percent of federal contracting dollars were awarded to SDBs.

Many agencies’ Action Plans identify improving equity in procurement and contracting as a top priority. In order to accomplish these goals, individual agencies and OMB and SBA as coordinators must improve the collection of data on procurement.

1. OMB should provide guidance on how agencies can track contracts with businesses owned by members of some underserved communities

Many Action Plans discuss the fact that the definitions of “equity” and “underserved communities” in EO 13985 are broader than the categories of underserved entrepreneurs recognized in existing laws. Laws such as the Small Business Act set contracting goals across the government for certain categories of businesses, including SDBs, women-owned small businesses (WOSBs), service-disabled veteran-owned small businesses (SDVOSBs), and small business contractors in Historically Underutilized Business Zones (HUBZones). These categories are collectively referred to as “socioeconomic small businesses.”³³

The Department of Homeland Security (DHS),³⁴ the State Department,³⁵ the Export-Import Bank,³⁶ and other agencies all make the point in their Action Plans that some communities identified by EO 13985 as “underserved” do not fall within the existing socioeconomic small business categories. For instance, there are no numerical goals for contracting or procurement with businesses owned by people who are LGBTQ+, members of religious minorities, from rural areas, or affected by persistent poverty or inequality, and there is no way for these business owners to identify themselves as such in the federal contracting system (the System for Award Management, or SAM.gov). This is an area that requires uniform guidance from OMB.

2. Coordination is needed on data related to equity in contracting across agencies

The Department of the Interior's (DOI) Action Plan says the department has access, through the System for Award Management (SAM.gov), to some data on vendors that are awarded DOI contracts. But DOI does not have access to the entire SAM.gov database and does not have data on vendors that submit proposals for DOI contracts, either through its own recordkeeping or from SAM.gov. It also notes that there is no identified dataset about the full universe of businesses in the United States.³⁷

These issues are likely relevant across the government. Several agencies whose missions involve government contracting — including OPM, the SBA, the Minority Business Development Agency (MBDA), and the General Services Administration (GSA), which runs SAM.gov — should work together to address these deficits. They should ensure that federal agencies have access to data on vendors that submit proposals to them, as well as to data about all businesses registered in SAM.gov and the still-broader universe of all businesses in the United States. This will allow agencies to assess whether the vendors that submit proposals to them, and those to which they award contracts, are reflective of SAM.gov-registered businesses and of the broader community of U.S. businesses, or whether some categories of underserved businesses are less likely to apply to them or to be awarded contracts.

3. The Small Business Administration and the Minority Business Development Agency plan to improve their data gathering and analysis

The SBA's mission is to help “entrepreneurs start, build, grow, and, if needed, recover their businesses.” One part of how it carries out this

mission is by increasing small business' access to federal contracting and procurement opportunities.

SBA's Action Plan says that “an essential component to the Equity Action Plan is for SBA to improve its quantitative and qualitative data gathering.” The agency intends to “work with OMB to identify the most efficient and effective ways to acquire needed information, without incurring unnecessary costs or creating additional burden, potential for disclosure, or trust issues for underserved communities.”³⁸ While the Action Plan is not entirely clear about which aspects of its data SBA intends to improve, the agency's actions show that it has begun to make improvements in equity-related data. For instance, for the first time, SBA recently released disaggregated data about federal contracting by the race and ethnicity of the business owner (as opposed to the broader categories like “small disadvantaged businesses”).³⁹

SBA's general goal to improve data collection is positive, as is the plan to work with OMB. Because of the importance of federal procurement to the government's ability to directly increase equity, SBA and OMB should both prioritize ensuring that the agency has all

“SBA's general goal to improve data collection is positive, as is the plan to work with OMB.”

the disaggregated data necessary to identify barriers to equity in the complex federal procurement process — and whether progress is being made on dismantling them.

The MBDA has existed for more than 50 years, but it was just given statutory authorization as an agency within the Department of Commerce under the bipartisan infrastructure bill signed into law in 2021. Its mission is to foster the economic growth and global competitiveness of minority business enterprises through technical assistance, access to capital, and access to contracts.⁴⁰ The Commerce Department's Action Plan discusses MBDA's codification and the new functions it will be called on to carry out, including establishing new regional offices and conducting research. The Action Plan says that MBDA will track progress by measuring “dollars awarded to capital and contracts, firms reporting an increase in profit and the number of jobs created and retained.”⁴¹

As with SBA, MBDA's goals are positive. It must now carry them out.

4. Department of Education must measure changes in procurement spending equity over time

The Department of Education (ED) extracted data from the Federal Procurement Data System — Next Generation (FPDS-NG) to calculate a baseline on equity in its procurement spending. This analysis revealed that minority-owned businesses receive 20 percent of total contracts, but only about 11 percent of the agency's procurement spending. The agency's Action Plan notes that

the agency's total procurement spending has increased annually, but it is “not clear” whether opportunities for minority-owned small businesses are increasing proportionately.

This seems to suggest that the agency has not been analyzing these data regularly so that it can observe trends over time. A regular analysis would allow the agency to determine how the percentage of its procurement spending going to minority-owned businesses is changing over time.⁴²

5. FEMA needs guidance from OMB on what changes it can make to improve equity in its small business procurement programs

FEMA's Action Plan asserts that the agency cannot make changes to any of its small business procurement programs because of federal acquisition statutes and regulations.⁴³ This extremely broad statement is belied by the fact that numerous other Action Plans detail agencies' plans to improve equity in their procurement processes. OMB should provide information and guidance to FEMA and other agencies that may not be aware of or are not inclined to take advantage of the flexibility they do already have to improve their programs short of pursuing legislative or regulatory changes.

II. Assist agencies in expanding the collection of data necessary to assess equity

In addition to the key topics discussed in Section I, numerous Action Plans reveal additional areas in which agencies lack the data they would need to assess equity in society and their own programs. In many cases, agencies' Action Plans detail their strategies to address these gaps. The next step in these cases is for agencies to carry out their plans and for OMB to ensure that they do.

In some cases, agencies acknowledge a lack of data but have no plan to address that problem. Others believe they cannot collect demographic data for legal or practical reasons,⁴⁴ or that they should not do so as a policy matter because the collection could be overly burdensome or could increase public, respondent, or client concerns about the confidentiality of personal information. In many of these cases, agencies can enter into data-sharing agreements compliant with legal rules or can work with federal statistical agencies to generate disaggregated estimates of who is participating in their programs. In some cases, agencies do not know whether they can collect data directly, while others do not acknowledge that they need more data.

All of these cases highlight the need for OMB to provide agencies with guidance on questions of data collection. OMB could provide guidance about when direct data collection is and is not permissible; connect agencies to other agencies and facilitate data-sharing agreements; and provide expertise, possibly through federal statistical agencies, on producing estimates.

Finally, in some cases, an agency has data, but there are inconsistencies in the way the data are collected, or storage is on antiquated data systems or is otherwise problematic. These data system weaknesses must be addressed to improve data reliability and usability.

“All of these cases highlight the need for OMB to provide agencies with guidance on questions of data collection.”

A. Agencies must carry out their plans to expand data collection on program outcomes and the people and communities the programs serve

Numerous Action Plans discuss agency proposals to expand their collection of data on both the programs they operate and the people or communities they serve so that they have the information necessary to assess equity both now and in the future. OMB and the NSTC Subcommittee on Equitable Data should hold agencies accountable for these plans by checking with them regularly to assess progress and by offering assistance, as needed, to ensure they remain on track.

1. Department of Education (ED) plans to begin collecting demographic data through the FAFSA

ED's Action Plan includes simplifying and adding demographic questions to the Free Application for Federal Student Aid (FAFSA), the form that the federal government, states, colleges and universities, and other

organizations use to award financial aid. The agency's Action Plan cites evidence from third parties, including a Washington Post article, that the current FAFSA process has disproportionate negative effects on students of color — that is, students of color may be more likely not to complete the FAFSA and to undergo secondary verification by ED more frequently than White students. ED does not have this information itself because it does not collect demographic data on FAFSA applicants. This is part of the reason for the absence of high-quality, disaggregated data in higher education, which The Education Fund highlighted in the 2019 “Civil Rights Principles for Higher Education.”⁴⁵

ED does intend to begin collecting these data. The FAFSA Simplification Act of 2020 required questions about race, ethnicity, and gender identity on the FAFSA for the first time and eliminated questions about drug convictions.⁴⁶

2. Department of Energy (DOE) plans to address data gaps in multiple areas

DOE's Action Plan identifies the need to address “broad gaps in data collection” as one of its primary goals. The agency has insufficient or inconsistent data on the demographics of applicant institutions, personnel, awardees, reviewers, recipients of financial assistance awards, participants in stakeholder events, applicants and awardees of contracting opportunities, and equity-related metrics like energy savings, avoided emissions, and reduction in household energy burden. It plans to create a data collection system for all DOE contract and financial assistance opportunities, to request demographic information from applicants for financial assistance, and to work with OMB to

streamline the Paperwork Reduction Act waiver process and set uniform standards for data collection.⁴⁷

3. Department of Justice (DOJ) plans to improve data on justice-related grants

DOJ awards approximately \$4 billion in grants annually for justice-related programs, such as community policing efforts, drug and mental health courts, and services for victims of crime. One of DOJ's priorities is to improve equity in these financial assistance programs. This item includes several subpoints about data collection. DOJ is piloting program-specific data collections and equity performance measures to identify disparities in access to and delivery of the services provided by its grant recipients, many of whom are state and local law enforcement agencies. It is also improving the existing data collection platforms used by grant recipients to report performance to DOJ and reviewing all grantmaking programs to either determine an equity baseline or determine that additional data elements must be added to establish a baseline.⁴⁸

4. Department of Veterans Affairs (VA) plans to develop a data model to address widespread data gaps

The first goal in the VA's Action Plan is to resolve longstanding data quality issues about the veterans it serves by developing a “veteran-centered data model” to inform health care delivery, disability benefits, and other services. The VA is aware of some inequities in its programs; for instance, a previous VA study found that Black veterans were more likely to apply for compensation for post-traumatic stress disorder, but they were less likely to be granted compensation and

more likely to be compensated at lower rates.⁴⁹ The fact that the VA does not consistently have comprehensive data on the veterans it serves, or does not have usable data, makes it impossible for the agency to assess the full extent of the inequities that exist.

The VA's new data model would allow the agency to measure disparities and eliminate barriers to equity. The data model will include race, ethnicity, gender identity, social determinants of health, and customer experience data.⁵⁰ The agency particularly identifies a lack of demographic data on veterans in the Pacific Islands and the Freely Associated States of the Marshall Islands, Micronesia, and Palau, including their citizenship status, discharge, and benefits utilization.⁵¹

5. Department of the Interior (DOI) plans to work with OMB to improve data on recreation and tribal discretionary grants

DOI does not have the data necessary to identify the equity barriers in its focus areas of contracting (discussed above in Section I.D.2), tribal discretionary grants, and recreation.⁵² For instance, regarding recreation, not all DOI bureaus collect visitor information in the same way, and some do not collect it at all. Data on visitors' religion, sexual orientation and gender identity (SOGI), and disability is particularly limited or nonexistent. The Paperwork Reduction Act and the OMB approval process are barriers to gathering information about public visitors.

The agency plans to address these gaps by working with OMB to improve its data collection, particularly by collecting more

demographic and geographic information from visitors to DOI lands and from applicants and recipients of tribal grants.⁵³ This is a good example of how OMB does and can assist agencies.

6. Department of Defense (DoD) plans to collect more data on diversity programs

One of DoD's equity goals is about expanding access to DoD programs, grants, and research funding opportunities by people in underserved communities, in part by investing in programs in K-12 and K-20 education, Minority-Serving Institutions of higher education (MSIs), and through fellowships and summer STEM camps.⁵⁴ DoD is interested in educational institutions because it wants to improve the workforce readiness of K-12 students in STEM subjects and to increase the diversity of the higher education institutions that receive DoD funding for research and other programs. Its Action Plan notes that it will need to establish additional metrics to "track and assess success and trends in diversity programs," although it does not say what those new metrics will be.⁵⁵

7. FEMA needs to develop a system to collect data on assistance applicants and recipients

FEMA does not currently collect demographic data on applicants for assistance, recipients, or subrecipients. The agency is working on developing a system to collect those data.⁵⁶ It also does not currently collect data on the demographic characteristics of individuals or households who receive assistance through its Hazard Mitigation Assistance Program or the National Flood Insurance Program.⁵⁷

8. National Labor Relations Board (NLRB) plans to collect more data, but needs additional resources

The NLRB does not currently collect demographic data from the people or organizations it serves. It intends to launch a program to examine gaps between the demographic composition of the areas and people it serves, with collection being anonymous and structured so as not to discourage people from contacting the agency. However, the NLRB states that it does not currently have the resources to fully complete this project.⁵⁸

9. State Department plans to collect consistent data on participants in public diplomacy programs

The State Department identifies a lack of data on participants in public diplomacy programs as a barrier to achieving equity in those programs. To address this, it intends to “provide guidance to establish consistent tracking of equity in program participation and ensure data collection tools will track such information.”⁵⁹

B. Agencies that have data gaps but no plans to rectify them must create plans; OMB should assist them

Unfortunately, there are many examples of agencies that lack the data necessary to assess equity or that have no apparent plan to address data voids. In some of these cases, an agency’s Action Plan acknowledges the lack of data, while others do not.

OMB has an important role to play in calling agencies’ attention to their lack of a plan to

“ Unfortunately, there are many examples of agencies that lack the data necessary to assess equity or that have no apparent plan to address data voids.”

address data gaps, and in many cases in assisting the agencies in formulating plans.

1. Department of Homeland Security (DHS) must collect or obtain data on acts that meet the definition of domestic terrorism.

DHS’s Action Plan lists “countering domestic violent extremism (DVE) and targeted violence” as among the agency’s top equity priorities. However, the agency’s Action Plan does not discuss any plan to obtain such data.⁶⁰

Furthermore, federal agencies use different terminology when referring to the same types of violence, which can lead to confusion and inaccurate data. For example, in “Confronting White Supremacist Violence,” The Leadership Conference and Brennan Center for Justice note that while “domestic terrorism” is defined by law, “violent extremism” has no definition in law and has been used to describe beliefs far removed from violence.

Domestic terrorism is defined by statute to involve criminal acts dangerous to human life that are intended to intimidate the public or affect government conduct. DVE, according to the deputy attorney general's guidance, is defined to "include all violent criminal acts in furtherance of ideological goals stemming from domestic influencers, such as racial bias or anti-government sentiment." This definition of DVE includes domestic terrorism, suggesting that the concept of DVE is broader than acts of domestic terrorism, while the FBI and DHS seem to equate DVE with domestic terrorism.

Terminology must be consistent across federal agencies in order to better collect and analyze data on the same types of violent criminal acts.

DHS says that DVE is "the most significant and persistent terrorism-related threat to our country," particularly racially and ethnically motivated violent extremism.⁶¹ The agency is taking several steps to combat DVE, including improving underserved communities' access to grant programs and improving intelligence and information-sharing. Its plan to track progress in this area includes regularly reviewing its own programs and assessing whether members of underserved communities feel that DHS and the government generally have taken actions that make them feel that the threat of DVE has diminished.⁶²

These measures are, at best, indirect indicators of DVE. Tracking community sentiment about DHS and perceptions of threat will not tell DHS whether DVE is increasing or decreasing — on the whole and certainly not in specific communities and geographies. DHS must look to existing data or collect its own data about DVE.

2. Department of the Treasury must develop a plan to analyze equity in the Treasury Offset Program

The Department of the Treasury's Treasury Offset Program collects delinquent debts owed to state and federal agencies, such as child support, by withholding them from federal payments like tax refunds. Treasury's Action Plan acknowledges that it lacks the data necessary to analyze the equity of the program — for instance, whether these actions have a disproportionate effect on people of color or low-income people and households. The Action Plan does not include strategies to address this lack of data. Instead, the agency's plan to address equity in the program focuses on improved communication with debtors and improved language access in its phone system and online.⁶³ The agency should develop a plan to measure the equity effects of the Treasury Offset Program, perhaps with OMB's assistance.

3. AbilityOne Commission needs a plan to gather reliable data about people paid subminimum wages

The AbilityOne Commission administers the AbilityOne program, which works with companies to employ people who are blind or have significant disabilities in providing products and services to the federal government. One of the commission's priorities is to end the payment of subminimum wages to blind or disabled people employed under the program (a practice which, unfortunately, is permitted by the Fair Labor Standards Act). The agency has begun a rulemaking that would prohibit the payment of subminimum wages under the program.⁶⁴

The agency cites an estimate that 674 people were paid subminimum wages under AbilityOne contracts in the first quarter of 2021. This estimate came from reports by the nonprofit agencies that contract with AbilityOne to administer the AbilityOne program. The agency does not know the precise number because data submission by employers funded by the program is voluntary.⁶⁵ OMB could assist the agency with using other data sources or imputation to ensure its information is reliable.

4. Department of Health and Human Services (HHS) should change its retention practices for grant applications

HHS is conducting a review of its grantmaking programs because of an “apparent” lack of diversity in applicants and awardees. However, because of short retention periods for grant applications, there may not be data available to analyze unsuccessful applications and any patterns in the reasons that applicants do not receive grants.⁶⁶ HHS should at least change these retention practices going forward so it will have these data in the future.

5. U.S. Department of Agriculture (USDA) needs a plan to obtain data to assess equity

The USDA’s Action Plan notes several times that the agency lacks the data to examine the outcomes of its programs with an equity lens. The agency must develop clear plans to address these absences, possibly with OMB’s assistance.

One of USDA’s priority actions is to partner with local providers of technical assistance to assist underserved farmers and producers with business planning and financial management.

The Action Plan acknowledges that the agency should establish formal evaluations of this effort “so there is data for continued decision making.”⁶⁷

Another priority for USDA is to institutionalize civil rights and equity as part of its culture. In its discussion of this topic, the agency notes that “[d]ata that would enable program evaluation and help USDA understand the implications of its programs and policies at a macro level often is not collected.”⁶⁸

OMB should work with the department to ensure that it develops a plan to evaluate the equity of its programs.

6. Federal Communications Commission (FCC) should collect and publicly release data on the workforce demographics of broadcasters, cable operators, and other multichannel video programming distributors

The FCC’s Action Plan does not discuss this issue,⁶⁹ but in 2021 the agency issued a Further Notice of Proposed Rulemaking seeking feedback on, among other things, how it can restart the collection of these demographic data.⁷⁰ As The Leadership Conference explained in comments to the commission⁷¹ and a separate letter endorsing the comments of civil rights and labor advocates, the FCC must be a leader in equitable employment obligations by gathering these data and making them public “via an easy-to-use portal that can also be used to aggregate data on state-by-state and regional bases and according to other factors, such as various demographic categories.”⁷² These data should also be collected and made public across the private sector more

generally, but the issue is particularly acute in the media sphere since a diverse media is foundational to democracy — and available data suggest there is a significant lack of diversity in the media.

C. OMB should assist agencies that believe they cannot collect more data directly

Some agencies believe they are unable to directly collect demographic data about the people and communities they serve or engage. The reasons for this are sometimes legal, sometimes practical, and sometimes because agencies believe that asking demographic questions might be intrusive, burdensome, or might deter people or groups from interacting with the agency.

Some agencies may mistakenly believe they cannot directly collect data. Some agencies facing these situations have plans to gather the information necessary to assess equity through data-sharing with other agencies or through statistical estimates. Other agencies do not currently have plans in place for data-sharing or estimates.

This is another area in which OMB, with the help of the federal statistical agencies, should provide technical assistance and support. First, it can help agencies determine whether they can, in fact, directly collect the missing data. If the agencies are not permitted to do so under current statutes or regulations, OMB should assist them in developing plans to share data or develop valid statistical evidence. In the longer term, OMB should work with the agencies and the administration to propose statutory or regulatory changes to remove barriers to responsible data collection.

1. Social Security Administration (SSA) needs a strategy to work around its lack of racial/ethnic data

The SSA does not collect or possess racial and ethnic data for most people born after 1987. This surprising situation dates to SSA's 1987 switch from a system in which people applied directly to SSA for a Social Security number (SSN) and were asked to provide their race and ethnicity, to the current Enumeration at Birth program. In Enumeration at Birth, parents can request an SSN for their baby when they fill out forms at the hospital after the child is born. The information that hospitals send to SSA about babies does not include race or ethnicity.⁷³

This lack of data hampers SSA's ability to assess whether its own programs are discriminatory or inequitable. Better data collection would allow the agency to conduct distributional analyses to evaluate whether specific groups are underrepresented in Social Security programs, identify which programs are particularly important to different communities, and determine whether there are differences in benefit levels based on race and ethnicity.⁷⁴

SSA does not propose changing the Enumeration at Birth process to include race and ethnicity data. Instead, SSA plans to explore statistical methods, data sharing, and modeling to look for disparities in Social Security programs.⁷⁵

In addition to improving its demographic data on people with SSNs and applicants for Social Security programs generally, SSA also plans to evaluate other aspects of equity in its programs. For instance, the agency's Action

Plan notes that African-American people are more likely to be disabled but less likely to be approved for Social Security disability benefits. SSA notes that a lack of representation in the disability application process may be one reason for this disparity, but it does not know whether African-American claimants are less likely to have representatives than White claimants, or whether having a representative improves the applicant's chances of being approved for benefits. The agency plans to gather data to answer these questions.⁷⁶

2. Internal Revenue Service (IRS) needs a plan to address the lack of demographic information on taxpayers

The IRS does not collect demographic information from taxpayers, and it states that disclosure laws prevent it from getting that information from the Census Bureau. The agency is developing a statistical alternative based on imputing race and ethnicity based on name and geography and validating those imputations where legally possible based on demographic data from other agencies.⁷⁷ As noted by a recent Government Accountability Office (GAO) report on the lack of race and ethnicity data in IRS records discusses, imputation methods have inherent limitations and can introduce error and bias into the resulting data⁷⁸ — but imputation can be useful when to not impute would lead to more inaccuracies.⁷⁹

A better long-term approach would be to explore the possibility of legal changes to allow the agency to collect this data directly or to obtain it from other agencies. The GAO report on the equity implications of the lack of taxpayer demographic data similarly recommended that Congress should change relevant laws to allow interagency data sharing.⁸⁰

3. Department of Energy (DOE) needs guidance to determine what demographic information it is allowed to collect

In addition to identifying data gaps in multiple areas, as discussed above in Section II.A.2, DOE also identifies as a data “challenge” that it has “[l]imited awareness and understanding of what demographic information DOE is allowed to collect and how DOE may collect it.” This lack of understanding could be addressed by assistance and support from OMB and federal statistical agencies.

4. Consumer Product Safety Commission (CPSC) needs a plan to address gaps in data on people injured by consumer products

The CPSC's Action Plan notes that there are gaps in data on the race and income of people injured by consumer products. The agency cannot legally require people to report these data. It plans instead to hire or contract with statisticians and data analysts to explore the possibility of imputing the missing data.⁸¹ The agency will then use those data to target research into the reasons for several identified racial disparities in injury rates — specifically, Black Americans are at higher risk of death from carbon-monoxide poisoning from generators, pool and spa drowning, and residential fires — and to target programs to address hazards that disproportionately affect specific communities and address gaps in enforcement.⁸²

The vagueness of the commission's plan demonstrates the importance of OMB follow-up and assistance to CPSC and other agencies that are exploring the possibility of imputing missing data.

5. FEMA should restart coordination with the Census Bureau to produce the Flood Insurance Affordability Framework

FEMA manages the National Flood Insurance Program (NFIP), under which insurance companies and NFIP itself provide flood insurance to property owners, renters, and businesses. By statute, the cost of flood insurance is based on risk, not ability to pay, meaning that some households that need it cannot afford to buy it.

FEMA does not currently collect any demographic information on flood insurance policyholders. In the past, it coordinated with the Census Bureau to produce the Flood Insurance Affordability Framework by matching census microdata with flood insurance policy data.⁸³ NFIP has proposed legislation to create a flood insurance affordability program. If the legislative proposal is enacted, it will begin to collect more data from current and potential policyholders. FEMA's Action Plan does not discuss an alternative course of action absent new statutory authority.

It seems clear that FEMA should restart — and OMB should encourage — data coordination with the Census Bureau, especially if its legislative proposal does not move forward.

6. U.S. Access Board needs a plan to access already-available information on the location of communities where federal facilities with alleged ADA violations are located

The U.S. Access Board, which among other things receives complaints about violations of the Americans with Disabilities Act (ADA) in federal facilities, does not collect data on the

communities where subject facilities are located. Although the agency does not mention this possibility in its Action Plan, it could find information about the demographics of communities by using Census Bureau data or mapping tools.⁸⁴

D. OMB should assist agencies that need to improve or modernize their data systems

Several Action Plans discuss problems with the respective agency's data systems, and it seems likely that these types of problems exist in other agencies as well. In some cases, the solutions may be simple, but in others, they may be complex and costly. This is another area in which OMB should assist agencies.

1. U.S. Commission on Civil Rights (USCCR) must update its antiquated complaint-handling process

The USCCR receives complaints about alleged civil rights violations from the public and is supposed to refer the cases to the appropriate state or federal agency, but its process for handling those complaints makes data analysis essentially impossible. Currently, the agency's complaint process is managed by one person, is tracked manually, lacks a centralized electronic collection tool, and is not clearly described on the agency's website. One of the commission's goals is to create a system that will allow electronic filing and tracking of complaints, including by resolution, theme (housing, employment, etc.), and demographic characteristics of the complainant.⁸⁵

Since other agencies have electronic complaint-filing systems, OMB could assist in this effort by connecting the commission to other agencies for advice and best practices.

2. DOI needs to fix inconsistent naming practices regarding tribes and tribal organizations

In addition to lacking data in several areas (as discussed above in Sections I.D.2 and II.A.5), DOI needs to implement more consistent naming practices regarding tribes and tribal organizations so the information it maintains is usable.⁸⁶ Specifically, the agency's Action Plan acknowledges that its system on financial transactions has inconsistent names for tribes and tribal organizations. The list of federally recognized tribes does not include all the tribal organizations that are also eligible to apply for tribal discretionary grants. The agency must institute consistent naming practices with input from tribes themselves. OMB should support DOI in this task and share the lessons learned from this process with other agencies and parts of the government that interact with tribes and tribal organizations.

“ The agency must institute consistent naming practices with input from tribes themselves.”

III. Collect more disaggregated data, including on MENA, AANHPI, and SOGI categories

Another consistent theme in the Action Plans is agency awareness of the need for more disaggregated data. Some, but not all, agencies are taking steps to collect more inclusive information.

Data disaggregation has been a key issue for The Leadership Conference Education Fund and other civil rights organizations, advocates, and researchers for decades. It is also one of the key principles of the Equitable Data Working Group report, which stated that disaggregated data should be the “norm,” while privacy must also be protected.⁸⁷ Disaggregation means collecting and reporting data on subgroups, such as by race, ethnicity, gender, and age, so that the data accurately reflect reality for different subgroups of people. When data are not disaggregated, broad trends can mask much more negative or nuanced outcomes for specific subgroups of people.

A. Update OMB standards on race and ethnicity

One much-needed reform to ensure meaningful data disaggregation across the federal government is updating OMB’s Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (OMB standards or standards). The OMB standards guide how all federal agencies collect information about race and ethnicity and they have not been updated since 1997. As discussed in more detail in The Education Fund’s “Information Nation” report,⁸⁸ the racial and ethnic categories in the standards fail to reflect the identities of many people, including people of Middle Eastern and North African heritage, subgroups of Asian Americans and

Native Hawaiian and Pacific Islanders, and people of Hispanic or Latino heritage. As a consequence, communities are not reflected in the resulting data, thereby hiding or masking inequities in access, opportunity, and outcomes.

Communities and advocates have long urged OMB to revise its standards to reflect the identities of these and other groups. The Equitable Data Working Group also included this recommendation in its report.⁸⁹ Unfortunately, despite twice soliciting public comments on the standards and announcing that a final decision on possible changes would come by December 2017, OMB has not updated the standards.

In June 2022, OMB made the welcome announcement that it is undertaking a formal review of the standards once again.⁹⁰ To that end, OMB published a Federal Register Notice on January 27, 2023 of its “Initial Proposals for Updating OMB’s Race and Ethnicity Statistical Standards.” A successful conclusion of this process within the publicized time frame of summer 2024 would lead to data collection more reflective of our communities and increased data disaggregation.

B. Agencies can and should collect more disaggregated data on race, ethnicity, gender, and other identities even without changes to the OMB standards

While individual agencies cannot change the minimum reporting categories they use to collect racial and ethnic data before OMB changes its standards, several agencies recognize the need for and are taking

affirmative steps to collect more disaggregated data within the current OMB race and ethnicity categories, as well as about gender and other identity categories. Some agencies do not have such plans in place. Laudably, the chief statistician has published guidance on best practices and disaggregation under the current standards.⁹¹ The OMB and the NSTC Subcommittee on Equitable Data should follow up with agencies to ensure they implement their plans or create them if they do not yet exist. The release of the Federal Evidence Agenda on LGBTQI+ Equity provides a first of its kind roadmap for federal agencies as they create their own SOGI Data Action Plans to help assess, improve, and monitor the health and well-being of LGBTQI+ people over time.⁹²

1. EEOC plans to increase disaggregation of race/ethnicity and gender data

The EEOC's Action Plan notes that the agency often receives requests to expand the disaggregation of race/ethnicity and gender categories in EEO reports. The agency observes that more disaggregated data could help it better understand persistent forms of discrimination that are revealed by its existing charge data — for instance, hiring discrimination against Black workers. The agency's plan includes updating demographic categories on internal EEOC forms, specifically regarding gender self-identification; performing deeper analysis of existing data; and determining whether to add additional demographic categories to EEO data collections, which would require commission and OMB approval.⁹³

The EEOC collected pay gap data from private sector employers for the first time in 2020. It states that after it receives a National

“The agency observes that more disaggregated data could help it better understand persistent forms of discrimination that are revealed by its existing charge data.”

Academy of Sciences report on those data — which has subsequently been released⁹⁴ — it will develop goals related to future pay data collection.⁹⁵

2. HHS must require covered entities to collect disaggregated demographic data

HHS's Action Plan refers briefly to the fact that the agency lacks the data necessary to “consistently identify and address inequities in health and human services.” However, the Action Plan does not discuss that absence of information in detail or how the agency will rectify it.⁹⁶

In August 2022, the agency released a Notice of Proposed Rulemaking (NPRM) on Section 1557 of the Affordable Care Act (ACA), which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs.⁹⁷ That NPRM does not require entities covered by the ACA to collect disaggregated demographic data, although it does seek comments from the public on the topic of “data collection.”



As The Leadership Conference and 100 organizations noted in comments to HHS on the NPRM, the final rule must require the collection of these data. Disaggregated data can reveal health disparities that are masked by aggregated data; for instance, racial and ethnic minority women receive poorer health care than racial and ethnic minority men, who in turn receive poorer care than White men.⁹⁸

3. U.S. Department of Housing and Urban Development (HUD) needs to collect more disaggregated data in several areas

HUD's Action Plan notes that compounding, intersectional discrimination in the realm of homeownership and associated wealth accrual is "likely" for LGBTQ+ households of color, although the agency does not currently have the data to determine if this is true.⁹⁹ In addition to making it difficult to assess the current baseline, this lack of disaggregated data will make it more difficult for HUD to implement its plan to tackle housing discrimination through increased culturally responsive and linguistically competent housing counseling, among other approaches.¹⁰⁰ HUD must collect or use existing data on home purchasing to address and understand discrimination in that field.

HUD also identifies the goal of improving collection of data on race, ethnicity, and gender identity of people experiencing homelessness, and to gather the data in a culturally sensitive and trauma-informed manner. The agency intends to do this by updating the Homeless Management Information System data collection requirements for race, ethnicity, and SOGI.¹⁰¹

HUD also notes that a racial equity analysis tool it uses that provides data on individual Continuum of Care does not provide

information on change over time; this is likely an additional place for the agency to improve its data collection and analysis.¹⁰²

4. SSA should expand beyond binary M/F gender designations

Currently, SSA only allows "M" or "F" gender designations; there is no indicator for nonbinary people. If a person's underlying identity document provides a nonbinary marker like "X," SSA cannot process the application automatically — the applicant has to go to a field office and must still identify themselves as either male or female to satisfy SSA's computer systems. Changing from one gender to another is burdensome. SSA intends to "explore self-attestation for changing sex designation" and training staff on unconscious bias, but it does not propose actually changing those policies it identifies as barriers.¹⁰³ It should do so.

5. NSTC Subcommittee on Equitable Data and the Census Bureau are exploring oversampling American Indian and Native Alaskan people

According to the Council of Economic Advisors' Action Plan, through its work on the Equitable Data Working Group, it is working with OMB to explore the possibility of oversampling people from American Indian/Native Alaskan groups in the Current Population Survey and possibly other Census Bureau surveys.¹⁰⁴ Oversampling can be necessary to have sufficient data to analyze a phenomenon in smaller communities, but it is important that it be done without overburdening the communities in question. The Subcommittee on Equitable Data, the bureau, and the other agencies should complete their exploration and make changes as needed.

6. Office of National Drug Control Policy (ONDCP) plans to improve data on substance use

ONDCP identifies the lack of robust disaggregated data on substance use as an “overriding challenge.” For instance, until recently, it says, data were not collected on SOGI categories (it is not clear from the Action Plan whether ONDCP itself did not collect this data or whether other entities did not collect it). The Hispanic category includes many subpopulations that include widely different patterns of drug use. “Surveillance data” on drug use tends to undercount people experiencing homelessness, sex workers, incarcerated persons, and residents of rural areas. Again, ONDCP’s Action Plan does not make clear what data it is referring to.

One of the agency’s goals is to improve data systems and promote disaggregation to better understand which subpopulations are at high risk for drug use.¹⁰⁵ For instance, currently the Drug-Free Communities and Comprehensive Addiction and Recovery Act grant programs collect only limited data on the populations they serve, so it is difficult to tell whether the programs are serving communities equitably and devoting resources and efforts where they are most needed. The agency will work with OMB to add more demographic data collection to progress report forms.¹⁰⁶

7. Department of Labor (DOL) plans to improve disaggregation of data on unemployment insurance and apprenticeships

One of DOL’s Action Plan goals is to improve equity in the unemployment insurance (UI) system. A lack of disaggregated data currently prevents regular equity tracking. DOL’s Action Plan notes that “different data sources sometimes point in different directions,” but that it appears that people of color, people who are low-income, people who are limited English proficient, and people who have lower levels of education are less likely to receive UI benefits.

DOL’s plan includes creating new indicators of program access using application, denial, and timeliness rates broken out by demographic characteristics and recruiting more states to share their data (currently only five do) so it can produce disaggregated federal indicators of access to UI benefits for the first time.¹⁰⁷

DOL’s Employment and Training Administration also plans to expand the scope and disaggregation of data it collects on apprenticeships and other programs.¹⁰⁸

“A lack of disaggregated data currently prevents regular equity tracking.”

IV. Consider language and disability access in all data collections and study ways to improve response rates

Data collections can only accurately reflect the world they are seeking to measure if people are able to understand and respond in a language and manner they understand — and if response rates are high enough to make the results statistically valid. Both language and disability access and response rates are relevant across the federal government and beyond, so these are additional areas in which OMB should centralize and share guidance and information on best practices. The February 16, 2023 “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities” recognized the importance of these areas, naming improving accessibility for people with disabilities and improving language access services as key elements of the goal of affirmatively advancing civil rights.¹⁰⁹

A. Language and disability access

Data collections and other agency functions that are conducted only in English will systematically fail to reach many members of marginalized communities who are limited English proficient (LEP) and/or who have disabilities that affect their communication. All agencies, especially those engaged in data collection, should have language access plans to ensure that the people being asked to participate are able to understand and respond in their preferred language, and disability access plans so the data collection instruments are accessible to people with a range of disabilities.

The Migration Policy Institute published a report in 2021 that contains several best practices related to language access. Plain language is important in multilingual outreach, especially for LEP immigrants and refugees.

“Data collections can only accurately reflect the world they are seeking to measure if people are able to understand and respond in a language and manner they understand”

Existing data from the Census Bureau, particularly the American Community Survey, can help agencies determine which languages are spoken in a given geography to guide the provision of in-language documents and other information. In addition to translating written materials commonly accessed by the public — including forms, publications, websites, and social media — agencies should have plans to provide spoken interpretation available to LEP persons seeking services or information.¹¹⁰

As The Education Fund recommended in our 2022 report “Information Nation,” agencies could create access plans that would also take into account the different ways some people with disabilities access information. This should include providing sign language interpreters, video captions, large print or Braille documents, and other communication assistance where appropriate.¹¹¹

B. Response rates

Agencies should study their data collection approaches to identify ways to improve response rates. Many Action Plans note intent to take steps or study ways to improve response rates. The results of these studies, and lessons learned once the plans are implemented, should be shared with other agencies.

1. Office of Personnel Management (OPM)

OPM is the human resources agency for the federal government. One of its equity priorities is to improve “applicant flow data” — that is, data about applicants and hires for federal jobs. The agency plans to explore possible changes to the USAJOBS user experience to increase the rate of applicants who voluntarily provide demographic data.¹¹²

2. National Science Foundation (NSF)

The NSF notes that response rates from NSF beneficiaries need to be improved and that the agency needs to collect demographic data from a broader range of applicants and participants, including graduate and undergraduate students. The agency is working on improving response rates with a simple but promising change to the Research.gov website: making demographic questions display upon entry, rather than requiring users to click on a separate icon to display the questions.¹¹³

3. The Export-Import Bank of the United States (EXIM)

EXIM operates programs to, among other things, underwrite medium- and long-term export-import transactions. Its Action Plan identifies low rates of minority- and women-owned businesses (MWOBs) participating in these programs, as well as data gaps about this program, as equity problems. The agency plans to improve its data collection efforts, part of which are focused on improving response rates when it asks businesses to identify as women-owned, veteran-owned, and minority-owned.¹¹⁴ Currently, there is no explanation given to businesses about why the agency is seeking this information, which likely reduces the number of people who answer.¹¹⁵

4. DOL

DOL’s Employment and Training Administration will analyze data collection techniques to see which are associated with higher response rates.¹¹⁶

V. Give agencies resources to conduct equity assessments

“Equity assessment” is an “expanding though still nascent body of work in public policy, data science, and organizational change management,” according to a 2021 OMB report to the White House.¹¹⁷ Generally speaking, it refers to a variety of data-informed tools that measure the equity or inequity of a policy, program, or practice and identify ways to improve equity.

Many agencies’ Action Plans identified the need to conduct equity assessments and, in many cases, a current lack of staff or knowledge to do so. Often these points were intertwined with discussions of missing or inadequate data on the people served by agency programs, discussed above in sections I-III.

Increasing agency capacity to design and conduct equity assessments is another subject the Equitable Data Working Group identified as a key priority. Specifically, the working group recommended investing in human capital and using recovery and infrastructure initiatives to “institutionalize expectations for assessing equity.”¹¹⁸ OMB and the existing 13 federal statistical agencies could provide assistance to other agencies on how to conduct equity assessments and share best practices across agencies.

A. Many Action Plans identify a need for more resources to conduct equity assessments

Several agencies acknowledged that they lack the resources or knowledge to conduct equity assessments. Some are attempting to remedy this by hiring staff or contracting with experts or outside groups. These steps may be

“ Many agencies’ Action Plans identified the need to conduct equity assessments and, in many cases, a current lack of staff or knowledge to do so.”

appropriate, but OMB and the federal statistical agencies should also provide guidance to these agencies and share information among them so that each agency is not left to start from scratch.

1. OPM plans to improve other agencies’ access to its data for their equity assessments

OPM identifies improving Applicant Flow Data (AFD) as one of its top goals. AFD is demographic information voluntarily provided by applicants to federal jobs. Currently there are data gaps and low response rates, and data are not collected on SOGI and MENA categories.

OPM shares audited AFD with other agencies, but many of them lack the capacity to analyze and use the data. OPM’s plan includes making it easier for agencies to retrieve bulk AFD and

making interactive reports and dashboards available; exploring changes to the USAJOBS user experience to increase the rate of applicants providing these data; exploring the possibility of adding SOGI and MENA categories; and improving other agencies' capacity to analyze, interpret, and use OPM data.¹¹⁹ This assistance to other agencies is the type of positive interagency cooperation that the administration should encourage other agencies that house important data or have related skills and expertise to share.

2. HHS lacks equity assessment capacity

One of HHS's equity goals is to build the capacity to conduct equity assessments. The Action Plan states that many components of HHS have not yet conducted equity assessments and that components need "practical tools and guides" to help them. HHS aims to have at least one equity assessment conducted by each operating division and says it will need to add resources to make this possible.¹²⁰ HHS as a department should assist and educate the agencies that fall under it in learning how to conduct equity assessments.

3. USDA's lack of knowledge of data science and evaluation

As discussed above in Section II.B.4, the USDA's Action Plan acknowledges that it does not have the data necessary to conduct evaluations of several of its equity efforts. It also notes that where data are collected, "there is not always enough knowledge of data science and evaluation to put the data to use."¹²¹

4. DOI plans to hire or contract with experts

DOI's plan to improve its data systems and equity assessments includes hiring or

contracting with people or organizations with expertise in equity analytics and reporting.¹²²

5. General Services Administration (GSA) plans to hire a data scientist

GSA manages real estate, the acquisition of products and services, and technology for the federal government. Its Action Plan identifies "evidence gaps" about economic and environmental justice that impede its ability to assess the community impact of its real estate portfolio.¹²³ The agency intends to hire a data scientist as part of its plan to finalize an evidence needs assessment and then develop a "community impact model" that will allow it to identify and address equity barriers in its real estate holdings.¹²⁴

6. The VA needs to perform equity assessments in several areas

The VA's Action Plan states that the agency intends to perform equity assessments to determine if there are disparities in veterans applying and being approved for the Pension Program, a needs-based program for wartime veterans over 65 with non-service-connected disabilities;¹²⁵ in mental health disability compensation rates;¹²⁶ and in access to benefits by veterans outside the continental United States and in "freely associated states" (FAS).¹²⁷

7. Inter-American Foundation (IAF) lacks expertise and data to conduct equity assessments

The IAF, an independent foreign assistance agency that invests in community-led development in Latin America and the Caribbean, states that it lacks the technical expertise and the data necessary to fully assess whether underserved communities

face systemic barriers in accessing IAF benefits. Its plan includes hiring new staff, working with an outside group on an anonymous Grantee Perception Report, launching new monitoring tools, and improving data collection, in part by being more consistent about “tags” used to describe grantee demographics.¹²⁸

8. NLRB needs funding for a data team

The NLRB notes it does not have funding for a data team that could definitively establish whether an initiative to do more outreach to underserved communities is actually reducing barriers to service for underserved populations.¹²⁹ It seems possible that assistance from other agencies could help to address this need.

9. Institute of Museum and Library Services (IMLS) has contracted with an outside nonprofit to conduct an equity assessment

The IMLS, an independent grantmaking agency for museums and libraries, identified data collection as one of its top equity goals. It contracted with the Urban Institute to perform a baseline equity assessment of its grantmaking and to identify gaps in data sources.

It could be that contracting with outside entities to conduct equity assessments makes sense given agencies’ current lack of capacity to do them internally, especially for a small agency like IMLS. However, this highlights that the existing government statistical agencies could likely be doing more to assist other agencies with this task.¹³⁰

“ This highlights that the existing government statistical agencies could likely be doing more to assist other agencies with this task.”

10. EPA plans to build capacity for community science

Community science is research conducted by a community or on its behalf, which often includes the use of local and traditional ecological knowledge, and/or locally generated and validated data. While different from traditional equity assessments, community science is a respected data practice that itself advances equity. The EPA intends to build capacity for community science through grants, demonstration projects, staff support, and policies and guidance documents supporting its use, and by making data and tools more available to community scientists.¹³¹

B. Agencies should measure equity in society, not just within their operations

Given that equity assessments are a relatively new tool for many agencies, it is perhaps not surprising that some choose to focus their assessments on measurements that are available to them about their own operations — for instance, on procurement and hiring statistics, or on the number of civil rights complaints they are receiving. However, in some cases this leads agencies to display tunnel vision and ignore the need to assess the equity or inequity that exists in society and how that is changing over time.

President Biden’s February 16, 2023 executive order recognizes the need for agencies to focus on the big-picture goal of “delivering equitable outcomes,” both in their own programs and in the lived experiences of people in underserved communities.¹³²

The failure of DOJ to discuss the need for improved data on hate crimes in its Action Plan, discussed above in Section I.A, is an example of this. DOJ identifies combatting hate crimes as a priority, but then mostly discusses internal measures of its own programs rather than the need to assess the frequency and patterns of hate crimes in the country. Similarly, as highlighted in Section II, DHS’s plan highlights indirect indicators of DVE while not addressing its own ability (or inability) to analyze trends.

Another example is the Privacy and Civil Liberties Oversight Board, an independent executive branch agency whose mission is to ensure that the government’s efforts to protect the nation from terrorism are balanced with the need to protect privacy and civil liberties. Its Action Plan is focused on agency-level measures like increasing procurement opportunities for historically underserved groups and increasing public access to agency events. It does not mention assessing whether the anti-terrorism activities on which it advises have a disparate impact on the privacy and civil liberties of immigrants, MENA people, or other historically marginalized groups.¹³³

In providing assistance to agencies to conduct equity assessments, OMB and statistical agencies should steer them towards assessing the big picture as well as the smaller ones.

**VI. Cost-benefit
analyses must be
reformed to account
for concerns about
equity and justice**

As The Education Fund discussed in the “Information Nation” report, the cost-benefit analysis that must accompany significant proposed regulatory action according to the Clinton-era Executive Order 12866 often fails to consider or advance equity.¹³⁴ Similarly, many government programs have built-in versions of cost-benefit analysis that ignore and often exacerbate inequity. Some Action Plans recognized these types of problems and announced their intention to rectify them.

This is another topic that is relevant across multiple agencies and on which OMB could play a key role in providing education and sharing best practices.

A. EPA plans to begin considering cumulative impacts

One of the EPA’s priorities is to develop a framework for considering the cumulative impacts of EPA decisions. For instance, communities where multiple industrial facilities or other sources of pollution are located are more likely to be low-income and/or communities of color, and those multiple sites will have a cumulative effect on the health and well-being of the people who live near them. This framework will help the agency make decisions on issues like permitting, cleanups, rulemaking, and enforcement. Part of the development of this framework will involve enhancing the Environmental Justice Screening and Mapping Tool (EJSCREEN) to assign cumulative impact scores.¹³⁵

OMB should share with other agencies the insight that motivated this initiative and the lessons EPA learns as it develops this framework.

B. Council on Environmental Quality’s rule restoring consideration of indirect and cumulative effects

The Council on Environmental Quality’s Action Plan discussed the recently released Phase 1 of a proposed National Environmental Policy Act (NEPA) rule that will restore the definitions of “indirect and cumulative effects” in environmental impact statements. The regulations implementing NEPA had, since 1978, required agencies to consider the direct, indirect, and cumulative effects of its proposed actions. In 2020, the regulations were amended to narrow the types of effects that agencies would have to consider. The council’s Phase 1 rule will restore the broader 1978 regulations.

The rule also restores agency flexibility to consider the full range of reasonable alternatives and to develop NEPA procedures, which go beyond what are required by the regulations.¹³⁶

Both of these changes are vital to ensuring that agencies’ cost-benefit analyses include future and relatively difficult-to-measure costs to the environment, public health, and other equity-related areas.

C. National Council on Disability plans to study the use of Quality Adjusted Life Year (QALY) metrics in Medicaid

This agency advises the president, Congress, agencies, and other policymakers on issues related to disability. It identifies one of its equity goals as advising on states’ use of

QALY-based cost-effectiveness metrics to inform Medicaid coverage for prescription drugs. QALY is a metric that results in discrimination against people with disabilities and chronic illnesses because it puts greater value on years of life lived in full health than in health gains for people with chronic illnesses. QALYs can result in the conclusion that providing medications to people with disabilities or chronic illnesses is not cost effective because disabled people will not return to full health or because they have shorter life expectancies. In effect, it assumes that the lives of people with disabilities are less valuable.

The agency has commissioned a report to study states' use of QALY to inform Medicaid coverage for prescription drugs, to describe methodological alternatives to QALY, and to make recommendations to Congress, the federal government, and states.¹³⁷

D. Department of Energy plans to improve equity in its Weatherization Assistance Program

The Department of Energy's Weatherization Assistance Program is supposed to increase the energy efficiency of low-income households, but cost-benefit analyses built into it make it less accessible to the most disadvantaged. Specifically, the program includes audit procedures and Savings-to-Investment Ratio analyses, which mean that buildings that need non-energy related home repairs, like roof repairs, can be rejected from participation because the calculation shows that the cost of those repairs makes the project less "cost effective."

The agency recognizes a need to change the calculation to include broader societal and household benefits that result from weatherization, not just the immediate energy savings.¹³⁸

VII. Ensure big data and algorithms do not entrench inequity

Technology and automated systems can be enormously beneficial, but they too often “threaten the rights of the American people,” as the White House recognized in its October 2022 Blueprint for an AI Bill of Rights.¹³⁹

For instance, algorithms can reproduce inequities in areas such as hiring and credit decisions. Algorithmic transparency is one of the reforms President Biden called for in his January 2023 op-ed in the Wall Street Journal calling on Congress to pass legislation to reign in Big Tech.¹⁴⁰

Two agencies’ Action Plans highlight the need to ensure that Big Tech and algorithms do not magnify or mask existing inequities in society. This is another issue that is surely relevant to other agencies’ work as well and on which OMB should coordinate efforts and share insights and best practices.

A. DoD and Artificial Intelligence (AI)

DoD’s Action Plan includes a focus on “Equitable Artificial Intelligence Research and Development.” The goal is to ensure that AI and machine learning do not magnify existing inequities. For example, AI resumé scanning can learn and magnify the biases of human screeners. The agency states that “Ethical and equitable AI begins with good data” and that modernizing DoD’s data collection is a first step to ensure that AI and machine learning do not entrench inequity.¹⁴¹

“The goal is to ensure that AI and machine learning do not magnify existing inequities.”

B. Consumer Financial Protection Bureau (CFPB) and Big Tech

The CFPB identifies a concern that Big Tech’s involvement in consumer financial markets could impede fair competition because of companies’ use of “black box” algorithms, which can mask bias. The agency’s proposal to address this includes requesting information from tech companies about their payment platforms’ practices and business plans.¹⁴²

Additionally, any work done to ensure that algorithms do not perpetuate inequity is essential for all government agencies. All of DOJ and DHS should be included, and data for equity requirements should extend to all law enforcement agencies broadly construed, including Customs and Border Patrol.

VIII. Agencies should increase data accessibility by building more user-friendly tools

Several agencies' Action Plans discuss plans to create user-friendly tools so that data are more accessible to the public and researchers. This echoes one of the recommendations of the Equitable Data Working Group that agencies "build data access tools that are user-friendly,"¹⁴³ as well as The Education Fund's recommendation in "Information Nation" to expand the public accessibility of data collections.¹⁴⁴

This is another widely relevant topic in which OMB should play the role of coordinating and disseminating knowledge and best practices.

A. Commerce Department needs to improve data tools to display more granular and current data

The Commerce Department's Action Plan notes that numerous other agencies have used the Census Bureau's equity tools on its Data for Equity and COVID-19 equity websites.¹⁴⁵ However, it also notes there is room for improvement in how accessible its data and tools are to the public and to researchers.¹⁴⁶ Some Commerce Bureau websites have maps to capture geographic and demographic data, but the data are not granular or current enough to capture the impact of Commerce programs on underserved communities. Some data systems are antiquated and do not enable reporting on progress in specific communities.¹⁴⁷

B. Department of Education (ED) building equity dashboard

ED is building an equity dashboard that will include key metrics on equity in education. The metrics that ED will include on this dashboard are those recommended by the National Academies of Sciences, Engineering, and Medicine in its 2019 report "Monitoring

Educational Equity." The Academies' goal in that report was to identify "a set of key indicators that would measure the extent of disparities in the nation's elementary and secondary education system."¹⁴⁸ Its recommended indicators include items from disparities in academic readiness and self-regulation and attention skills for incoming kindergarten students, to disparities in curricular breadth, school climate, and non-exclusionary discipline practices.¹⁴⁹

The initial version of the dashboard will include just national-level data, but subsequent versions could include state and local data. ED may also add more data visualizations to communications in order to expand awareness of inequities in education.¹⁵⁰

C. NASA plans to make more data available to help with environmental challenges

NASA data from satellites could help with the world's environmental challenges, but data are currently hard to find and access. There is also limited collaboration between NASA researchers and social scientists. NASA plans to improve cooperation by making grants on equity and environmental justice, making more data available in the cloud and in widely used formats, and providing multilingual training on how to use NASA data.¹⁵¹

D. U.S. Interagency Council on Homelessness plans to make data more available

The agency has a plan to publish an analysis of the Point in Time Count data of homelessness highlighting demographic data and to work with communities to report on qualitative data and other indicators.¹⁵²

Conclusion

Agencies' Equity Action Plans expose significant data needs across the federal government. Many departments and agencies need to collect more data, enter into data-sharing agreements with other agencies, create statistical estimates for missing data, disaggregate data further, and perform equity assessments in order to assess current and future levels of equity. They must also reform cost-benefit analyses and carefully consider the use of algorithmic decision-making, artificial intelligence, and machine learning both in the public and private sectors, and they must make data more accessible.

The NSTC Subcommittee on Equitable Data, OMB, and the newly formed White House Steering Committee on Equity all have important roles to play in encouraging and requiring change in these areas, particularly by assisting agencies in developing data-sharing partnerships, conducting equity assessments, and ensuring that agencies look at the big picture of whether their actions are advancing equity in society generally.

“Agencies' Equity Action Plans expose significant data needs across the federal government.”

Endnotes

¹ “E.O. 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” January 20, 2021.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

² “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government.” Feb. 16, 2023.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

³ The Leadership Conference Education Fund. “Misinformation Nation: The Threat to America’s Federal Data and Civil Rights.” Civilrights.org. Dec. 2017.
<http://civilrightsdocs.info/pdf/policy/Data-Policy-Brief.pdf>. The Leadership Conference Education Fund, “Misinformation Nation II: A Deeper Dive into Threats to Federal Civil Rights Data Collection.” Civilrights.org. Mar. 2019.
<http://civilrightsdocs.info/pdf/reports/Misinformation-Nation-2.pdf>. The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” Apr. 2022.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

⁴ The agencies whose Action Plans were reviewed for this report include all of the Cabinet-level agencies and independent agencies whose missions are national in scope

and have an important connection to civil rights or equity in U.S. society, or those that mention data collection or quality in their Action Plans. Specifically, the Action Plans reviewed were those of the 23 large agencies covered by the Chief Financial Officers Act and listed at <https://www.performance.gov/equity/>, and of these 22 other agencies: CEA (Council of Economic Advisors), CEQ (Council on Environmental Quality), FEMA (Federal Emergency Management Agency), ONDCP (Office of National Drug Control Policy), ONHIR (Office of Navajo Hopi Indian Relocation), USICH (U.S. Interagency Council on Homelessness), Udall Foundation, USCCR (U.S. Commission on Civil Rights), CPSC (Consumer Product Safety Commission), CFPB (Consumer Financial Protection Bureau), EAC (Election Assistance Commission), EXIM (Export-Import Bank of the United States), GCERC (Gulf Coast Ecosystem Restoration Council), IMLS (Institute of Museum and Library Services), IAF (Inter-American Foundation), NCD (National Council on Disability), NLRB (National Labor Relations Board), NTSB (National Transportation Safety Board), PCLOB (Privacy and Civil Liberties Oversight Board), USA1 (U.S. AbilityOne Commission), U.S. Access Board, and EEOC (U.S. Equal Employment Opportunity Commission).

⁵ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 15-23.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

⁶ The release of the April 2022 report marked the end of the work of the Equitable Data Working Group. The charge of the Equitable Data Working Group was carried over to the Subcommittee on Equitable Data of the National Science and Technology Council (NSTC Subcommittee on Equitable Data). In this report, references to the Equitable Data Working Group refer to its work prior to such date.

⁷ “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government.” Feb. 16, 2023. Secs. 2, 3, 4, 9.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

⁸ Office of Management and Budget. “M-22-03: Advancing Equity in Federal Procurement.” Dec. 2, 2021.
<https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

⁹ White House Equitable Data Working Group. “A Vision for Equitable Data.” April 22, 2022. Pgs. 3, 7-8.
<https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

¹⁰ Ibid. Pgs. 3, 5-7.

¹¹ “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government.” Feb. 16, 2023. Sec. 7.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

¹² The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 12-13.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹³ White House Equitable Data Working Group. “A Vision for Equitable Data.” April 22, 2022. Pgs. 3, 8-9.
<https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

¹⁴ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 28-30.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹⁵ The White House. “Blueprint for an AI Bill of Rights.” October 2022.
<https://www.whitehouse.gov/ostp/ai-bill-of-rights/>.

¹⁶ “E.O. 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” January 20, 2021.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

¹⁷ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 15-23.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹⁸ “Hate crimes” are defined by federal law as conduct involving bodily injury, in which certain jurisdictional prerequisites are met, and in which the offender selects the victim because of the victim’s actual or perceived race, color, religion, national origin, gender, gender identity, disability, or sexual orientation. Congressional Research Service. “Sifting Domestic Terrorism from Domestic Violent Extremism and Hate Crime.” Updated June 1, 2022.

<https://crsreports.congress.gov/product/pdf/IN/IN10299>.

¹⁹ Office of the Attorney General. “Memorandum for Department of Justice Employees.” May 27, 2022. Pg. 2. <https://www.justice.gov/ag/page/file/1399221/download>.

²⁰ “Associate Attorney General Vanita Gupta Delivers Remarks at the U.S. Conference of Mayors.” Department of Justice. Jan. 18, 2023. <https://www.justice.gov/opa/speech/associate-attorney-general-vanita-gupta-delivers-remarks-us-conference-mayors-0>.

²¹ The Department of Justice. “Equity Action Plan.” 2022. Pg. 2-3. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOJ_Equity%20Action%20Plan_2022.pdf.

²² The White House. “Executive Order on Tackling the Climate Crisis at Home and Abroad.” E.O. 14008. January 27, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

²³ The areas of investment targeted in EO 14008 are “clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure.” Ibid.

²⁴ CEQ Publishes Draft Climate and Economic Justice Screening Tool, Key Component in the Implementation of President Biden’s Justice40 Initiative, Feb. 18, 2022, <https://www.whitehouse.gov/ceq/news-updates/2022/02/18/ceq-publishes-draft-climate-and-economic-justice-screening-tool-key-component-in-the-implementation-of-president-bidens-justice40-initiative/>.

²⁵ Climate and Economic Justice Screening Tool Beta, Methodology, <https://screeningtool.geoplatform.gov/en/methodology> (last visited June 28, 2022).

²⁶ Ibid.

²⁷ Public Health Alliance of Southern California. “Public Comment on the Council on Environmental Quality’s Beta Climate and Economic Justice Screening Tool.” April 13, 2022. Pg. 2. <https://www.regulations.gov/comment/CEQ-2022-0002-0014>.

²⁸ Department of Defense. “Equity Action Plan.” April 2022. Pgs. 8-10. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOD_Equity%20Action%20Plan_2022.pdf.

²⁹ U.S. Department of Transportation. “Equity Action Plan.” Jan. 2022. Pg. 10. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOT_Equity%20Action%20Plan_2022.pdf.

³⁰ The White House. “FACT SHEET: Biden-Harris Administration Advances Equity and Economic Opportunity Through Federal Procurement and State And Local Infrastructure Contracting.” July 26, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/26/fact-sheet-biden-harris-administration-advances-equity-and-economic-opportunity-through-federal-procurement-and-state-and-local-infrastructure-contracting/>.

³¹ Office of Management and Budget. “M-22-03: Advancing Equity in Federal Procurement.” Dec. 2, 2021. <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

³² “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government.” Feb. 16, 2023. Secs. 2, 3, 7. <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

³³ The White House. “FACT SHEET: Biden-Harris Administration Announces Reforms to Increase Equity and Level the Playing Field for Underserved Small Business Owners.” Dec. 2, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/02/fact-sheet-biden-harris-administration-announces-reforms-to-increase-equity-and-level-the-playing-field-for-underserved-small-business-owners/>.

³⁴ U.S. Department of Homeland Security. “Equity Action Plan Pursuant to Executive Order 13985.” January 25, 2022. Pg. 15.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DHS_Equity%20Action%20Plan_2022.pdf.

³⁵ U.S. State Department. “Agency Equity Action Plan.” 2022. Pgs. 12-14. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOS_Equity%20Action%20Plan_2022.pdf.

³⁶ Export-Import Bank of the United States. “E.O. 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government EXIM Equity Action Plan.” Jan. 24, 2022. Pg. 7. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EXIM_Equity%20Action%20Plan_2022.pdf.

³⁷ Department of the Interior. “U.S. Department of the Interior Equity Action Plan.” Feb. 10, 2022. Pg. 24. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOI_Equity%20Action%20Plan_2022.pdf.

³⁸ U.S. Small Business Administration. “Equity Action Plan.” 2022. Pg. 2. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_SBA_Equity%20Action%20Plan_2022.pdf.

³⁹ The White House. “FACT SHEET: Biden-Harris Administration Announces Reforms to Increase Equity and Level the Playing Field for Underserved Small Business Owners.” Dec. 2, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/02/fact-sheet-biden-harris-administration-announces-reforms-to-increase-equity-and-level-the-playing-field-for-underserved-small-business-owners/>.

⁴⁰ U.S. Department of Commerce. “The Minority Business Development Agency is Permanently Authorized in Bipartisan Infrastructure Deal.” Nov. 18, 2021. <https://www.commerce.gov/news/blog/2021/11/minority-business-development-agency-permanently-authorized-bipartisan>.

⁴¹ U.S. Department of Commerce. “U.S. Department of Commerce Equity Action Plan.” 2022. Pg. 12. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOC_Equity%20Action%20Plan_2022.pdf.

⁴² United States Department of Education. “2022 Agency Equity Plan related to Executive Order 13985.” 2022. Pg. 6. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_ED_Equity%20Action%20Plan_2022.pdf.

⁴³ Federal Emergency Management Agency (FEMA). “Agency Equity Action Plan.” February 23, 2022. Pg. 4. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_FEMA_Equity%20Action%20Plan_2022.pdf.

⁴⁴ See discussion below in Section II.C, including examples of the Social Security Administration’s lack of racial/ethnic data on most people with Social Security numbers, the Internal Revenue Service’s lack of demographic data on taxpayers, and the Consumer Product Safety Commission’s lack of consistent demographic data on people injured by consumer products.

⁴⁵ The Leadership Conference Education Fund. “Civil Rights Principles for Higher Education.” July 2019. Pgs. 39-43. <http://civilrightsdocs.info/pdf/reports/Higher-Education-Civil-Rights-Principles.pdf>.

⁴⁶ United States Department of Education. “2022 Agency Equity Plan related to Executive Order 13985.” 2022. Pg. 5-8. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_ED_Equity%20Action%20Plan_2022.pdf.

⁴⁷ Department of Energy. “U.S. Department of Energy’s Equity Action Plan.” 2022. Pgs. 5-7. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOE_Equity%20Action%20Plan_2022.pdf.

⁴⁸ The Department of Justice. “Equity Action Plan.” 2022. Pgs. 4-6. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOJ_Equity%20Action%20Plan_2022.pdf.

⁴⁹ Ibid. Pg. 7.

⁵⁰ Department of Veterans Affairs. “Agency Equity Action Plan.” Feb. 10, 2022. Pgs. 5-7. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_VA_Equity%20Action%20Plan_2022.pdf.

⁵¹ Ibid. Pg. 9.

⁵² Department of the Interior. “U.S. Department of the Interior Equity Action Plan.” Feb. 10, 2022. Pgs. 24-27. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOI_Equity%20Action%20Plan_2022.pdf.

⁵³ Ibid.

⁵⁴ Department of Defense. “Equity Action Plan.” April 2022. Pgs. 20-22. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOD_Equity%20Action%20Plan_2022.pdf.

⁵⁵ Ibid. Pg. 22.

⁵⁶ Federal Emergency Management Agency (FEMA). “Agency Equity Action Plan.” February 23, 2022. Pg. 2.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_FEMA_Equity%20Action%20Plan_2022.pdf.

⁵⁷ Ibid. Pgs. 14-15 & 17.

⁵⁸ National Labor Relations Board. “EO 13985 – National Labor Relations Board Final Equity Action Plan.” 2022. Pgs. 5-7.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_NLRB_Equity%20Action%20Plan_2022.pdf.

⁵⁹ U.S. State Department. “Agency Equity Action Plan.” 2022. Pgs. 9-10.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOS_Equity%20Action%20Plan_2022.pdf.

⁶⁰ “Domestic violent extremism” describes actors who support achieving political or social goals through unlawful force or violence. Congressional Research Service. “Sifting Domestic Terrorism from Domestic Violent Extremism and Hate Crime.” Updated June 1, 2022.
<https://crsreports.congress.gov/product/pdf/IN/IN10299>. See also, The Leadership Conference on Civil and Human Rights and the Brennan Center for Justice at NYU Law. “Confronting White Supremacist Violence: An Effective and Inclusive Path Forward.”

⁶¹ U.S. Department of Homeland Security. “Equity Action Plan Pursuant to Executive Order 13985.” January 25, 2022. Pg. 16.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DHS_Equity%20Action%20Plan_2022.pdf.

⁶² Ibid. Pg. 18.

⁶³ Department of the Treasury. “Equity Action Plan.” 2022. Pgs. 7-9.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USDT_Equity%20Action%20Plan_2022.pdf.

⁶⁴ Ibid. Pg. 5.

⁶⁵ U.S. AbilityOne Commission. “Equity Action Plan.” Jan. 20, 2022. Pgs. 4-5.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USA1_Equity%20Action%20Plan_2022.pdf.

⁶⁶ U.S. Department of Health and Human Services. “OMB Equity Action Plan.” 2022. Pgs. 9-10.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_HHS_Equity%20Action%20Plan_2022.pdf.

⁶⁷ U.S. Department of Agriculture. “USDA Equity Action Plan in Support of Executive Order (EO) 13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government.” February 10, 2022. Pg. 7-8.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USDA_Equity%20Action%20Plan_2022.pdf.

⁶⁸ U.S. Department of Agriculture. “USDA Equity Action Plan in Support of Executive Order (EO) 13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government.” February 10, 2022. Pg. 22.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USDA_Equity%20Action%20Plan_2022.pdf.

⁶⁹ Federal Communications Commission. “Federal Communications Commission Equity Action Plan.” 2022.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_FCC_Equity%20Action%20Plan_2022.pdf.

⁷⁰ Further Notice of Proposed Rulemaking. “Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies.” 86 FR 48610. August 31, 2021.
<https://www.federalregister.gov/documents/2021/08/31/2021-18665/review-of-the-commission-s-broadcast-and-cable-equal-employment-opportunity-rules-and-policies>.

⁷¹ The Leadership Conference. “Comments to FCC on EEO Data Collection.” Sept. 30, 2021.
<https://civilrights.org/resource/leadership-conference-comments-to-fcc-on-eeo-data-collection/#>.

⁷² The Leadership Conference and other organizations. “Letter Re: MB Docket No. 19-177; MB Docket No. 98-204.” Sept. 29, 2022.
<https://civilrightsdocs.info/pdf/policy/letters/2022/Leadership-Conference-EEO-Letter.pdf>.

⁷³ Social Security Administration (SSA). “Equity Action Plan in Agreement with EO 13985.” Feb. 10, 2022. Pgs. 14-15.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_SSA_Equity%20Action%20Plan_2022.pdf.

⁷⁴ Ibid. pg. 9.

⁷⁵ Social Security Administration (SSA). “Equity Action Plan in Agreement with EO 13985.” Feb. 10, 2022. Pgs. 9-10.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_SSA_Equity%20Action%20Plan_2022.pdf.

⁷⁶ Ibid.

⁷⁷ Department of the Treasury. “Equity Action Plan.” 2022. Pgs. 5-7.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USDT_Equity%20Action%20Plan_2022.pdf.

⁷⁸ United States Government Accountability Office Report to Congressional Committees. “Tax Equity: Lack of Data Limits Ability to Analyze Effects of Tax Policies on Households by Demographic Characteristics.” May 2022. Pg. 18.
<https://www.gao.gov/assets/gao-22-104553.pdf>.

⁷⁹ The Leadership Conference on Civil and Human Rights. “FREQUENTLY ASKED QUESTIONS: IMPUTATION.” August 2021.
<https://civilrights.org/wp-content/uploads/2021/08/Census-Imputation-Factsheet.pdf>.

⁸⁰ Ibid. pg. 1.

⁸¹ United States Consumer Product Safety Commission. “CPSC’s Equity Action Plan.” Jan. 20, 2022. Pgs. 2-3.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_CPSC_Equity%20Action%20Plan_2022.pdf.

⁸² Ibid. Pgs. 6-10.

⁸³ Federal Emergency Management Agency (FEMA). “Agency Equity Action Plan.” February 23, 2022. Pgs. 16-17.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_FEMA_Equity%20Action%20Plan_2022.pdf.

⁸⁴ U.S. Access Board. “Equity Action Plan (Final).” Jan. 20, 2022. Pgs. 3-4.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_AB_Equity%20Action%20Plan_2022.pdf.

⁸⁵ U.S. Commission on Civil Rights. “E.O. 13985 Equity Action Plan.” Jan. 20, 2022. Pgs. 2-3.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USCCR_Equity%20Action%20Plan_2022.pdf.

⁸⁶ Department of the Interior. “U.S. Department of the Interior Equity Action Plan.” Feb. 10, 2022. Pgs. 7-10.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOI_Equity%20Action%20Plan_2022.pdf.

⁸⁷ White House Equitable Data Working Group. “A Vision for Equitable Data.” April 22, 2022. Pgs. 5-6.

<https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

⁸⁸ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 16, 24-27.

<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

⁸⁹ White House Equitable Data Working Group. “A Vision for Equitable Data.” April 22, 2022. Pg. 5.

<https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

⁹⁰ Karin Orvis, Chief Statistician of the United States. “Reviewing and Revising Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.” June 15, 2022.

<https://www.whitehouse.gov/omb/briefing-room/2022/06/15/reviewing-and-revising-standards-for-maintaining-collecting-and-presenting-federal-data-on-race-and-ethnicity/>.

⁹¹ Chief Statistician of the United States. “Flexibilities and Best Practices for Implementing the Office of Management and Budget’s 1997 Standards for Maintaining, Collecting, And Presenting Federal Data on Race and Ethnicity (Statistical Policy Directive No. 15).” July 2022.

<https://www.whitehouse.gov/wp-content/uploads/2022/07/Flexibilities-and-Best-Practices-Under-SPD-15.pdf>.

⁹² Subcommittee on Sexual Orientation, Gender Identity, and Variations in Sex Characteristics (SOGI) Data Subcommittee on Equitable Data of the National Science and Technology Council. “Federal Evidence Agenda on LGBTQI+ Equity.”

<https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf>.

⁹³ U.S. Equal Employment Opportunity Commission. “Equity Action Plan.” Jan. 2022. Pgs. 8-11.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EEOC_Equity%20Action%20Plan_2022.pdf.

⁹⁴ National Academies of Sciences, Engineering, and Medicine. “Evaluation of Compensation Data Collected Through the EEO-1 Form.” National Academies Press. 2022. <https://nap.nationalacademies.org/read/26581/chapter/1>.

⁹⁵ U.S. Equal Employment Opportunity Commission. “Equity Action Plan.” Jan. 2022. Pgs. 9-10. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EEOC_Equity%20Action%20Plan_2022.pdf.

⁹⁶ U.S. Department of Health and Human Services. “OMB Equity Action Plan.” 2022. Pg. 10. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_HHS_Equity%20Action%20Plan_2022.pdf.

⁹⁷ U.S. Department of Health and Human Services. “Notice of Proposed Rulemaking: Nondiscrimination in Health Programs and Activities.” Aug. 4, 2022. <https://www.federalregister.gov/documents/2022/08/04/2022-16217/nondiscrimination-in-health-programs-and-activities>.

⁹⁸ The Leadership Conference. “Comments on Section 1557 Proposed Rule from The Leadership Conference and 100 organizations.” Oct. 3, 2022. Pg. 8. https://civilrightsdocs.info/pdf/healthcare/The%20Leadership%20Conference_1557%20NPRM_Sign%20On%20Comment_10.3.22.pdf.

⁹⁹ U.S. Department of Housing and Urban Development. “Equity Action Plan.” 2022. Pg. 12. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_HUD_Equity%20Action%20Plan_2022.pdf.

¹⁰⁰ Ibid. Pg. 12-14.

¹⁰¹ Ibid. Pg. 16 HUD has also proposed to add SOGI to the American Housing Survey. <https://www.federalregister.gov/documents/2022/09/19/2022-20224/60-day-notice-of-proposed-information-collection-2023-american-housing-survey-omb-control-no>.

¹⁰² Ibid.

¹⁰³ Social Security Administration (SSA). “Equity Action Plan in Agreement with EO 13985.” Feb. 10, 2022. Pgs. 17-18. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_SSA_Equity%20Action%20Plan_2022.pdf.

¹⁰⁴ Executive Office of the President, Council of Economic Advisors. “Council of Economic Advisors Agency Equity Actions.” Jan. 20, 2022. Pgs. 3-4. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_CEA_Equity%20Action%20Plan_2022.pdf.

¹⁰⁵ Executive Office of the President, Office of National Drug Control Policy. “E.O. 13985 Equity Action Report.” April 22, 2022. Pgs. 7-9. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_ONDCP_Equity%20Action%20Plan_2022.pdf.

¹⁰⁶ Ibid. Pg. 17.

¹⁰⁷ U.S. Department of Labor. “Department of Labor Equity Action Plan.” 2022. Pgs. 9-12. https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOL_Equity%20Action%20Plan_2022.pdf.

¹⁰⁸ U.S. Department of Labor. “Department of Labor Equity Action Plan.” 2022. Pg. 16.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOL_Equity%20Action%20Plan_2022.pdf.

¹⁰⁹ “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government.” Feb. 16, 2023. Sec. 8.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

¹¹⁰ Jacob Hofstetter, Margie McHugh, and Anna O’Toole. “Key Features of U.S. State and Local Language Access Laws and Policies.” Migration Policy Institute. Oct. 2021. Pgs. 11-18.
https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf.

¹¹¹ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pg. 12.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹¹² United States Office of Personnel Management. “Equity Action Plan.” Jan. 2022. Pgs. 4-5.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_OPM_Equity%20Action%20Plan_2022.pdf.

¹¹³ National Science Foundation. “Agency Equity Action Plan Submitted to the Domestic Policy Council and the Office of Management and Budget.” Jan. 2022. Pgs. 5-6.

https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_NSF_Equity%20Action%20Plan_2022.pdf.

¹¹⁴ Export-Import Bank of the United States. “E.O. 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government EXIM Equity Action Plan.” Jan. 24, 2022. Pgs. 7-8.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EXIM_Equity%20Action%20Plan_2022.pdf.

¹¹⁵ Ibid. Pg. 9-10.

¹¹⁶ U.S. Department of Labor. “Department of Labor Equity Action Plan.” 2022. Pg. 16.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOL_Equity%20Action%20Plan_2022.pdf.

¹¹⁷ Office of Management and Budget. “Study to Identify Methods to Assess Equity: Report to the President.” July 2021. Pg. 7.
https://www.whitehouse.gov/wp-content/uploads/2021/08/OMB-Report-on-E013985-Implementation_508-Compliant-Secure-v1.1.pdf.

¹¹⁸ White House Equitable Data Working Group. “A Vision for Equitable Data.” April 22, 2022. Pgs. 8-9.
<https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

¹¹⁹ United States Office of Personnel Management. “Equity Action Plan.” Jan. 2022. Pgs. 4-7.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_OPM_Equity%20Action%20Plan_2022.pdf.

¹²⁰ U.S. Department of Health and Human Services. “OMB Equity Action Plan.” 2022. Pg. 10.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_HHS_Equity%20Action%20Plan_2022.pdf.

¹²¹ U.S. Department of Agriculture. “USDA Equity Action Plan in Support of Executive Order (EO) 13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government.” February 10, 2022. Pg. 22.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USDA_Equity%20Action%20Plan_2022.pdf.

¹²² Department of the Interior. “U.S. Department of the Interior Equity Action Plan.” Feb. 10, 2022. Pg. 9.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOI_Equity%20Action%20Plan_2022.pdf.

¹²³ General Services Administration. “Executive Order 13985 Equity Action Plan.” Jan. 20, 2022. Pg. 6.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_GSA_Equity%20Action%20Plan_2022.pdf.

¹²⁴ Ibid. Pgs. 7-8.

¹²⁵ Department of Veterans Affairs. “Agency Equity Action Plan.” Feb. 10, 2022. Pg. 8.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_VA_Equity%20Action%20Plan_2022.pdf.

¹²⁶ Ibid. Pg. 7.

¹²⁷ Ibid.

¹²⁸ Inter-American Foundation. “Agency Equity Action Plan.” 2022. Pgs. 3-7.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_IAF_Equity%20Action%20Plan_2022.pdf.

¹²⁹ National Labor Relations Board. “EO 13985 – National Labor Relations Board Final Equity Action Plan.” 2022. Pg. 4.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_NLRB_Equity%20Action%20Plan_2022.pdf.

¹³⁰ Institute of Museum and Library Services. “Equity Action Plan.” April 2022. Pgs. 3-4.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_IMLS_Equity%20Action%20Plan_2022.pdf.

¹³¹ Environmental Protection Agency. “E.O. 13985 Equity Action Plan.” Jan. 20, 2022. Pgs. 15-18.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EPA_Equity%20Action%20Plan_2022.pdf.

¹³² “Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government.” Feb. 16, 2023. Secs. 1, 3, 5.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

¹³³ Privacy and Civil Liberties Oversight Board. “Equity Action Plan.” Jan. 20, 2022.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_PCLOB_Equity%20Action%20Plan_2022.pdf.

¹³⁴ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 28-30.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹³⁵ Environmental Protection Agency. “E.O. 13985 Equity Action Plan.” Jan. 20, 2022. Pgs. 3-7.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_EPA_Equity%20Action%20Plan_2022.pdf.

¹³⁶ Executive Office of the President. “Council on Environmental Quality Agency Equity Actions.” Jan. 20, 2022.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_CEQ_Equity%20Action%20Plan_2022.pdf.

¹³⁷ National Council on Disability. “Agency Equity Action Plan Submitted to DPC and OMB.” 2022. Pgs. 5-6.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_NCD_Equity%20Action%20Plan_2022.pdf.

¹³⁸ Department of Energy. “U.S. Department of Energy’s Equity Action Plan.” 2022. Pgs. 14-18.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOE_Equity%20Action%20Plan_2022.pdf.

¹³⁹ The White House. “Blueprint for an AI Bill of Rights.” October 2022.
<https://www.whitehouse.gov/ostp/ai-bill-of-rights/>.

¹⁴⁰ Joe Biden. “Republicans and Democrats, Unite Against Big Tech Abuses.” Wall Street Journal. Jan. 11, 2023.
<https://www.wsj.com/articles/unite-against-big-tech-abuses-social-media-privacy-competition-antitrust-children-algorithm-11673439411?page=1>.

¹⁴¹ Department of Defense. “Equity Action Plan.” April 2022. Pg. 16.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOD_Equity%20Action%20Plan_2022.pdf.

¹⁴² Consumer Financial Protection Bureau. “Equity Action Plan.” Jan. 20, 2022. Pg. 9.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_CFPB_Equity%20Action%20Plan_2022.pdf.

¹⁴³ White House Equitable Data Working Group. “A Vision for Equitable Data.” April 22, 2022. Pg. 11.
<https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

¹⁴⁴ The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pgs. 15-23.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹⁴⁵ U.S. Department of Commerce. “U.S. Department of Commerce Equity Action Plan.” 2022. Pg. 5.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOC_Equity%20Action%20Plan_2022.pdf.

¹⁴⁶ As we have previously noted, these equity tools are only as good as their inputs, which may themselves include biases in collection. The Leadership Conference Education Fund. “Information Nation: The Need for Improved Federal Civil Rights Data Collection.” April 2022. Pg. 6.
<https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>.

¹⁴⁷ U.S. Department of Commerce. “U.S. Department of Commerce Equity Action Plan.” 2022. Pg. 16.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_DOC_Equity%20Action%20Plan_2022.pdf.

¹⁴⁸ National Academies of Sciences, Engineering, and Medicine. “Monitoring Educational Equity.” 2019. Pg. 20.
<https://nap.nationalacademies.org/catalog/25389/monitoring-educational-equity>.

¹⁴⁹ Ibid. Pgs. 54-56, 101, 104, 106-107.

¹⁵⁰ United States Department of Education. “2022 Agency Equity Plan related to Executive Order 13985.” 2022. Pg. 19.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_ED_Equity%20Action%20Plan_2022.pdf.

¹⁵¹ National Aeronautics and Space Administration. “Mission Equity: NASA EQUITY Action Plan.” 2022. Pg. 9-10.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_NASA_Equity%20Action%20Plan_2022.pdf.

¹⁵² U.S. Interagency Council on Homelessness. “Equity Action Plan.” 2022. Pg. 3-4.
https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_USICH_Equity%20Action%20Plan_2022.pdf.



The Leadership Conference
Education Fund



**1620 L Street NW, Suite 1100
Washington, DC 20036**



(202) 466-3434



civilrights.org/edfund



[@civilrightsorg](https://twitter.com/civilrightsorg)



[@civilandhumanrights](https://facebook.com/civilandhumanrights)



[@civilrightsorg](https://instagram.com/civilrightsorg)



Pod for the Cause

Copyright © 2023
The Leadership Conference
Education Fund
All Rights Reserved